

Calendar No. 190

111TH CONGRESS
1ST SESSION

S. 1963

To amend title 38, United States Code, to provide assistance to caregivers of veterans, to improve the provision of health care to veterans, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 28, 2009

Mr. AKAKA introduced the following bill; which was read the first time

OCTOBER 29, 2009

Read the second time and placed on the calendar

A BILL

To amend title 38, United States Code, to provide assistance to caregivers of veterans, to improve the provision of health care to veterans, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Caregivers and Veterans Omnibus Health Services Act
6 of 2009”.

- 1 (b) TABLE OF CONTENTS.—The table of contents for
 2 this Act is as follows:

- Sec. 1. Short title; table of contents.
 Sec. 2. References to title 38, United States Code.

TITLE I—CAREGIVER SUPPORT

- Sec. 101. Waiver of charges for humanitarian care provided to family members accompanying certain severely injured veterans as they receive medical care.
 Sec. 102. Family caregiver assistance.
 Sec. 103. Lodging and subsistence for attendants.
 Sec. 104. Survey of informal caregivers.

TITLE II—WOMEN VETERANS HEALTH CARE MATTERS

- Sec. 201. Report on barriers to receipt of health care for women veterans.
 Sec. 202. Plan to improve provision of health care services to women veterans.
 Sec. 203. Independent study on health consequences of women veterans of military service in Operation Iraqi Freedom and Operation Enduring Freedom.
 Sec. 204. Training and certification for mental health care providers on care for veterans suffering from sexual trauma.
 Sec. 205. Pilot program on counseling in retreat settings for women veterans newly separated from service in the Armed Forces.
 Sec. 206. Report on full-time women veterans program managers at medical centers.
 Sec. 207. Service on certain advisory committees of women recently separated from service in the Armed Forces.
 Sec. 208. Pilot program on subsidies for child care for certain veterans receiving health care.
 Sec. 209. Care for newborn children of women veterans receiving maternity care.

TITLE III—RURAL HEALTH IMPROVEMENTS

- Sec. 301. Enhancement of Department of Veterans Affairs Education Debt Reduction Program.
 Sec. 302. Visual impairment and orientation and mobility professionals education assistance program.
 Sec. 303. Inclusion of Department of Veterans Affairs facilities in list of facilities eligible for assignment of participants in National Health Service Corps Scholarship Program.
 Sec. 304. Teleconsultation and telemedicine.
 Sec. 305. Demonstration projects on alternatives for expanding care for veterans in rural areas.
 Sec. 306. Program on provision of readjustment and mental health care services to veterans who served in Operation Iraqi Freedom and Operation Enduring Freedom.
 Sec. 307. Improvement of care of American Indian veterans.
 Sec. 308. Travel reimbursement for veterans receiving treatment at facilities of the Department of Veterans Affairs.
 Sec. 309. Office of Rural Health five-year strategic plan.
 Sec. 310. Oversight of contract and fee-basis care.

- Sec. 311. Enhancement of Vet Centers to meet needs of veterans of Operation Iraqi Freedom and Operation Enduring Freedom.
- Sec. 312. Centers of excellence for rural health research, education, and clinical activities.
- Sec. 313. Pilot program on incentives for physicians who assume inpatient responsibilities at community hospitals in health professional shortage areas.
- Sec. 314. Annual report on matters related to care for veterans who live in rural areas.
- Sec. 315. Transportation grants for rural veterans service organizations.
- Sec. 316. Modification of eligibility for participation in pilot program of enhanced contract care authority for health care needs of certain veterans.

TITLE IV—MENTAL HEALTH CARE MATTERS

- Sec. 401. Eligibility of members of the Armed Forces who serve in Operation Iraqi Freedom or Operation Enduring Freedom for counseling and services through Readjustment Counseling Service.
- Sec. 402. Restoration of authority of Readjustment Counseling Service to provide referral and other assistance upon request to former members of the Armed Forces not authorized counseling.
- Sec. 403. Study on suicides among veterans.
- Sec. 404. Transfer of funds to Secretary of Health and Human Services for Graduate Psychology Education program.

TITLE V—OTHER HEALTH CARE MATTERS

- Sec. 501. Repeal of certain annual reporting requirements.
- Sec. 502. Modifications to annual Gulf War research report.
- Sec. 503. Payment for care furnished to CHAMPVA beneficiaries.
- Sec. 504. Disclosures from certain medical records.
- Sec. 505. Disclosure to Secretary of health-plan contract information and social security number of certain veterans receiving care.
- Sec. 506. Enhancement of quality management.
- Sec. 507. Reports on improvements to Department health care quality management.
- Sec. 508. Pilot program on use of community-based organizations and local and State government entities to ensure that veterans receive care and benefits for which they are eligible.
- Sec. 509. Specialized residential care and rehabilitation for certain veterans.
- Sec. 510. Expanded study on the health impact of Project Shipboard Hazard and Defense.
- Sec. 511. Use of non-Department facilities for rehabilitation of individuals with traumatic brain injury.
- Sec. 512. Inclusion of federally recognized tribal organizations in certain programs for State veterans homes.
- Sec. 513. Pilot program on provision of dental insurance plans to veterans and survivors and dependents of veterans.
- Sec. 514. Expansion of veteran eligibility for reimbursement by Secretary of Veterans Affairs for emergency treatment furnished in a non-Department facility.
- Sec. 515. Prohibition on collection of copayments from veterans who are catastrophically disabled.

TITLE VI—DEPARTMENT PERSONNEL MATTERS

- Sec. 601. Enhancement of authorities for retention of medical professionals.
- Sec. 602. Limitations on overtime duty, weekend duty, and alternative work schedules for nurses.
- Sec. 603. Improvements to certain educational assistance programs.
- Sec. 604. Standards for appointment and practice of physicians in Department of Veterans Affairs medical facilities.

TITLE VII—HOMELESS VETERANS MATTERS

- Sec. 701. Pilot program on financial support for entities that coordinate the provision of supportive services to formerly homeless veterans residing on certain military property.
- Sec. 702. Pilot program on financial support of entities that coordinate the provision of supportive services to formerly homeless veterans residing in permanent housing.
- Sec. 703. Pilot program on financial support of entities that provide outreach to inform certain veterans about pension benefits.
- Sec. 704. Assessment of pilot programs.

TITLE VIII—NONPROFIT RESEARCH AND EDUCATION CORPORATIONS

- Sec. 801. General authorities on establishment of corporations.
- Sec. 802. Clarification of purposes of corporations.
- Sec. 803. Modification of requirements for boards of directors of corporations.
- Sec. 804. Clarification of powers of corporations.
- Sec. 805. Redesignation of section 7364A of title 38, United States Code.
- Sec. 806. Improved accountability and oversight of corporations.

TITLE IX—CONSTRUCTION AND NAMING MATTERS

- Sec. 901. Authorization of medical facility projects.
- Sec. 902. Designation of Robley Rex Department of Veterans Affairs Medical Center.
- Sec. 903. Merrill Lundman Department of Veterans Affairs Outpatient Clinic.
- Sec. 904. Modification on restriction of alienation of certain real property in Gulf Port, Mississippi.

TITLE X—OTHER MATTERS

- Sec. 1001. Expansion of authority for Department of Veterans Affairs police officers.
- Sec. 1002. Uniform allowance for Department of Veterans Affairs police officers.

1 **SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.**

2 Except as otherwise expressly provided, whenever in
 3 this Act an amendment or repeal is expressed in terms
 4 of an amendment to, or repeal of, a section or other provi-
 5 sion, the reference shall be considered to be made to a
 6 section or other provision of title 38, United States Code.

1 **TITLE I—CAREGIVER SUPPORT**

2 **SEC. 101. WAIVER OF CHARGES FOR HUMANITARIAN CARE**

3 **PROVIDED TO FAMILY MEMBERS ACCOM-**

4 **PANYING CERTAIN SEVERELY INJURED VET-**

5 **ERANS AS THEY RECEIVE MEDICAL CARE.**

6 The text of section 1784 is amended to read as fol-
7 lows:

8 “(a) IN GENERAL.—The Secretary may furnish hos-
9 pital care or medical services as a humanitarian service
10 in emergency cases.

11 “(b) REIMBURSEMENT.—Except as provided in sub-
12 section (c), the Secretary shall charge for care and services
13 provided under subsection (a) at rates prescribed by the
14 Secretary.

15 “(c) WAIVER OF CHARGES.—(1) Except as provided
16 in paragraph (2), the Secretary shall waive the charges
17 required by subsection (b) for care or services provided
18 under subsection (a) to an attendant of a covered veteran
19 if such care or services are provided to such attendant for
20 an emergency that occurs while such attendant is accom-
21 panying such veteran while such veteran is receiving ap-
22 proved inpatient or outpatient treatment at—

23 “(A) a Department facility; or

24 “(B) a non-Department facility—

1 “(i) that is under contract with the De-
2 partment; or

3 “(ii) at which the veteran is receiving fee-
4 basis care.

5 “(2) If an attendant is entitled to care or services
6 under a health-plan contract (as that term is defined in
7 section 1725(f) of this title) or other contractual or legal
8 recourse against a third party that would, in part, extin-
9 guish liability for charges described by subsection (b), the
10 amount of such charges waived under paragraph (1) shall
11 be the amount by which such charges exceed the amount
12 of such charges covered by the health-plan contract or
13 other contractual or legal recourse against the third party.

14 “(d) DEFINITIONS.—In this section:

15 “(1) The term ‘attendant’, with respect to a
16 veteran, includes the following:

17 “(A) A family member of the veteran.

18 “(B) An individual eligible to receive ongoing family caregiver assistance under section
19 1717A(e)(1) of this title for the provision of
20 personal care services to the veteran.
21

22 “(C) Any other individual whom the Sec-
23 retary determines—

1 “(i) has a relationship with the vet-
 2 eran sufficient to demonstrate a close af-
 3 finity with the veteran; and

4 “(ii) provides a significant portion of
 5 the veteran’s care.

6 “(2) The term ‘covered veteran’ means any vet-
 7 eran with a severe injury incurred or aggravated in
 8 the line of duty in the active military, naval, or air
 9 service on or after September 11, 2001.

10 “(3) The term ‘family member’ shall have such
 11 meaning as the Secretary shall determine by policy
 12 or regulation.

13 “(4) The term ‘severe injury’, in the case of a
 14 covered veteran, means any physiological, psycho-
 15 logical, or neurological condition that renders a vet-
 16 eran unable to live independently as determined by
 17 the Secretary.”.

18 **SEC. 102. FAMILY CAREGIVER ASSISTANCE.**

19 (a) REQUIREMENT.—

20 (1) IN GENERAL.—Subchapter II of chapter 17
 21 is amended by inserting after section 1717 the fol-
 22 lowing new section:

23 **“§ 1717A. Family caregiver assistance**

24 “(a) IN GENERAL.—(1) As part of home health serv-
 25 ices provided under section 1717 of this title, the Sec-

1 retary shall, upon the joint application of an eligible vet-
2 eran and a family member of such veteran (or other indi-
3 vidual designated by such veteran), furnish to such family
4 member (or designee) family caregiver assistance in ac-
5 cordance with this section. The purpose of providing fam-
6 ily caregiver assistance under this section is—

7 “(A) to reduce the number of veterans who are
8 receiving institutional care, or who are in need of in-
9 stitutional care, whose personal care service needs
10 could be substantially satisfied with the provision of
11 such services by a family member (or designee); and

12 “(B) to provide eligible veterans with additional
13 options so that they can choose the setting for the
14 receipt of personal care services that best suits their
15 needs.

16 “(2) The Secretary shall only furnish family caregiver
17 assistance under this section to a family member of an
18 eligible veteran (or other individual designated by such
19 veteran) if the Secretary determines it is in the best inter-
20 est of the eligible veteran to do so.

21 “(b) ELIGIBLE VETERANS.—For purposes of this
22 section, an eligible veteran is a veteran (or member of the
23 Armed Forces undergoing medical discharge from the
24 Armed Forces)—

1 “(1) who has a serious injury (including trau-
2 matic brain injury, psychological trauma, or other
3 mental disorder) incurred or aggravated in the line
4 of duty in the active military, naval, or air service
5 on or after September 11, 2001; and

6 “(2) whom the Secretary determines, in con-
7 sultation with the Secretary of Defense as necessary,
8 is in need of personal care services because of—

9 “(A) an inability to perform one or more
10 independent activities of daily living;

11 “(B) a need for supervision or protection
12 based on symptoms or residuals of neurological
13 or other impairment or injury; or

14 “(C) such other matters as the Secretary
15 shall establish in consultation with the Sec-
16 retary of Defense as appropriate.

17 “(c) EVALUATION OF ELIGIBLE VETERANS AND
18 FAMILY CAREGIVERS.—(1) The Secretary shall evaluate
19 each eligible veteran who makes a joint application under
20 subsection (a)(1)—

21 “(A) to identify the personal care services re-
22 quired by such veteran; and

23 “(B) to determine whether such requirements
24 could be significantly or substantially satisfied with
25 the provision of personal care services from a family

1 member (or other individual designated by the vet-
2 eran).

3 “(2) The Secretary shall evaluate each family mem-
4 ber of an eligible veteran (or other individual designated
5 by the veteran) who makes a joint application under sub-
6 section (a)(1) to determine—

7 “(A) the basic amount of instruction, prepara-
8 tion, and training such family member (or designee)
9 requires, if any, to provide the personal care services
10 required by such veteran; and

11 “(B) the amount of additional instruction, prep-
12 aration, and training such family member (or des-
13 ignee) requires, if any, to be the primary personal
14 care attendant designated for such veteran under
15 subsection (e).

16 “(3) An evaluation carried out under paragraph (1)
17 may be carried out—

18 “(A) at a Department facility;

19 “(B) at a non-Department facility determined
20 appropriate by the Secretary for purposes of such
21 evaluation; and

22 “(C) at such other locations as the Secretary
23 considers appropriate.

24 “(d) TRAINING AND APPROVAL.—(1) Except as pro-
25 vided in subsection (a)(2), the Secretary shall provide each

1 family member of an eligible veteran (or other individual
2 designated by the veteran) who makes a joint application
3 under subsection (a)(1) the basic instruction, preparation,
4 and training determined to be required by such family
5 member (or designee) under subsection (c)(2)(A).

6 “(2) The Secretary may provide to a family member
7 of an eligible veteran (or other individual designated by
8 the veteran) the additional instruction, preparation, and
9 training determined to be required by such family member
10 (or designee) under subsection (c)(2)(B) if such family
11 member (or designee)—

12 “(A) is approved as a personal care attendant
13 for the veteran under paragraph (3); and

14 “(B) requests, with concurrence of the veteran,
15 such additional instruction, preparation, and train-
16 ing.

17 “(3) Upon the successful completion by a family
18 member of an eligible veteran (or other individual des-
19 ignated by the veteran) of basic instruction, preparation,
20 and training provided under paragraph (1), the Secretary
21 shall approve the family member as a personal care at-
22 tendant for the veteran.

23 “(4) If the Secretary determines that a primary per-
24 sonal care attendant designated under subsection (e) re-
25 quires additional training to maintain such designation,

1 the Secretary shall make such training available to the pri-
2 mary personal care attendant.

3 “(5) The Secretary shall, subject to regulations the
4 Secretary shall prescribe, provide for necessary travel,
5 lodging, and per diem expenses incurred by a family mem-
6 ber of an eligible veteran (or other individual designated
7 by the veteran) in undergoing training under this sub-
8 section.

9 “(6) If the participation of a family member of an
10 eligible veteran (or other individual designated by the vet-
11 eran) in training under this subsection would interfere
12 with the provision of personal care services to the veteran,
13 the Secretary shall, subject to regulations as the Secretary
14 shall prescribe and in consultation with the veteran, pro-
15 vide respite care to the veteran during the provision of
16 such training to the family member so that such family
17 caregiver (or designee) can participate in such training
18 without interfering with the provision of such services.

19 “(e) DESIGNATION OF PRIMARY PERSONAL CARE
20 ATTENDANT.—(1) For each eligible veteran with at least
21 one family member (or other individual designated by the
22 veteran) who is described by subparagraphs (A) through
23 (E) of paragraph (2), the Secretary shall designate one
24 family member of such veteran (or other individual des-
25 ignated by the veteran) as the primary personal care at-

1 tendant for such veteran to be the primary provider of
2 personal care services for such veteran.

3 “(2) A primary personal care attendant designated
4 for an eligible veteran under paragraph (1) shall be se-
5 lected from among family members of such veteran (or
6 other individuals designated by such veteran) who—

7 “(A) are approved under subsection (d)(3) as a
8 personal care attendant for such veteran;

9 “(B) complete all additional instruction, prepa-
10 ration, and training, if any, provided under sub-
11 section (d)(2);

12 “(C) elect to provide the personal care services
13 to such veteran that the Secretary determines such
14 veteran requires under subsection (c)(1);

15 “(D) has the consent of such veteran to be the
16 primary provider of such services for such veteran;
17 and

18 “(E) the Secretary considers competent to be
19 the primary provider of such services for such vet-
20 eran.

21 “(3)(A) An eligible veteran receiving personal care
22 services from a family member (or other individual des-
23 ignated by the veteran) designated as the primary per-
24 sonal care attendant for the veteran under paragraph (1)

1 may revoke consent with respect to such family member
2 (or designee) under paragraph (2)(D).

3 “(B) An eligible veteran may revoke the designation
4 of a primary personal care attendant under subparagraph
5 (A) at any time, except that such revocation may not occur
6 more frequently than once every six months unless the
7 Secretary determines it is in the best interest of the eligi-
8 ble veteran to permit such revocation to occur more fre-
9 quently.

10 “(4) If an individual designated as the primary per-
11 sonal care attendant of an eligible veteran under para-
12 graph (1) subsequently fails to meet the requirements set
13 forth in paragraph (2), the Secretary—

14 “(A) shall immediately revoke the individual’s
15 designation under paragraph (1); and

16 “(B) may designate, in consultation with the el-
17 igible veteran or the eligible veteran’s surrogate ap-
18 pointed under subsection (g), a new primary per-
19 sonal care attendant for the veteran under such
20 paragraph.

21 “(5) The Secretary shall take such actions as may
22 be necessary to ensure that the revocation of a designation
23 under paragraph (1) does not interfere with the provision
24 of personal care services required by a veteran.

1 “(f) ONGOING FAMILY CAREGIVER ASSISTANCE.—

2 (1) Except as provided in subsection (a)(2) and subject
3 to the provisions of this subsection, the Secretary shall
4 provide ongoing family caregiver assistance to family
5 members of eligible veterans (or other individuals des-
6 ignated by such veterans) as follows:

7 “(A) To each family member of an eligible vet-
8 eran (or designee) who is approved under subsection
9 (d)(3) as a personal care attendant for the veteran
10 the following:

11 “(i) Direct technical support consisting of
12 information and assistance to timely address
13 routine, emergency, and specialized caregiving
14 needs.

15 “(ii) Counseling.

16 “(iii) Access to an interactive Internet
17 website on caregiver services that addresses all
18 aspects of the provision of personal care serv-
19 ices under this section.

20 “(B) To each family member of an eligible vet-
21 eran (or designee) who is designated as the primary
22 personal care attendant for the veteran under sub-
23 section (e) the following:

24 “(i) The ongoing family caregiver assist-
25 ance described in subparagraph (A).

1 “(ii) Mental health services.

2 “(iii) Respite care of not less than 30 days
3 annually, including 24-hour per day care of the
4 veteran commensurate with the care provided
5 by the family caregiver to permit extended res-
6 pite.

7 “(iv) Medical care under section 1781 of
8 this title if such family member (or designee) is
9 not entitled to care or services under a health-
10 plan contract (as defined in section 1725(f) of
11 this title).

12 “(v) A monthly personal caregiver stipend.

13 “(2)(A) The Secretary shall provide respite care
14 under paragraph (1)(B)(iii), at the election of the Sec-
15 retary—

16 “(i) through facilities of the Department that
17 are appropriate for the veteran; or

18 “(ii) through contracts under section 1720B(c)
19 of this title.

20 “(B) If the primary personal care attendant of an
21 eligible veteran designated under subsection (e)(1) deter-
22 mines in consultation with the veteran or the veteran’s
23 surrogate appointed under subsection (g), and the Sec-
24 retary concurs, that the needs of the veteran cannot be
25 accommodated through the facilities and contracts de-

1 scribed in subparagraph (A), the Secretary shall, in con-
2 sultation with the primary personal care attendant and the
3 veteran (or the veteran’s surrogate), provide respite care
4 through other facilities or arrangements that are medically
5 and age appropriate.

6 “(3) If the Secretary determines that the Department
7 lacks the capacity to furnish medical care under clause
8 (iv) of paragraph (1)(B), the Secretary may contract, in
9 accordance with such regulations as the Secretary shall
10 prescribe, for such insurance, medical services, or health
11 plans as the Secretary considers appropriate to furnish
12 such medical care.

13 “(4)(A) The Secretary shall provide monthly personal
14 caregiver stipends under paragraph (1)(B)(v) in accord-
15 ance with a schedule established by the Secretary that
16 specifies stipends provided based upon the amount and de-
17 gree of personal care services provided.

18 “(B) The Secretary shall ensure, to the extent prac-
19 ticable, that the schedule required by subparagraph (A)
20 specifies that the amount of the personal caregiver stipend
21 provided to a primary personal care attendant designated
22 under subsection (e)(1) for the provision of personal care
23 services to an eligible veteran is not less than the amount
24 a commercial home health care entity would pay an indi-

vidual in the geographic area of the veteran to provide equivalent personal care services to the veteran.

“(C) If personal care services are not available from a commercial provider in the geographic area of an eligible veteran, the Secretary may establish the schedule required by subparagraph (A) with respect to the veteran by considering the costs of commercial providers of personal care services in geographic areas other than the geographic area of the veteran with similar costs of living.

“(5) Provision of ongoing family caregiver assistance under this subsection for provision of personal care services to an eligible veteran shall terminate if the veteran no longer requires the personal care services.

“(g) SURROGATES.—If an eligible veteran lacks the capacity to submit an application, provide consent, make a request, or concur with a request under this section, the Secretary may, in accordance with regulations and policies of the Department regarding the appointment of guardians or the use of powers of attorney, appoint a surrogate for the veteran who may submit applications, provide consent, make requests, or concur with requests on behalf of the veteran under this section.

“(h) OVERSIGHT.—(1) The Secretary shall enter into contracts with appropriate entities to provide oversight of the provision of personal care services under this section

1 by primary personal care attendants designated under
2 subsection (e)(1).

3 “(2) The Secretary shall ensure that each eligible vet-
4 eran receiving personal care services under this section
5 from a primary personal care attendant designated under
6 subsection (e)(1) is visited in the veteran’s home by an
7 entity providing oversight under paragraph (1) at such
8 frequency as the Secretary shall determine under para-
9 graph (3).

10 “(3)(A) Except as provided in subparagraph (B), the
11 Secretary shall determine the manner of oversight pro-
12 vided under paragraph (1) and the frequency of visits
13 under paragraph (2) for an eligible veteran as the Sec-
14 retary considers commensurate with the needs of such vet-
15 eran.

16 “(B) The frequency of visits under paragraph (2) for
17 an eligible veteran shall be not less frequent than once
18 every six months.

19 “(4)(A) An entity visiting an eligible veteran under
20 paragraph (2) shall submit to the Secretary the findings
21 of the entity with respect to each visit, including whether
22 the veteran is receiving the care the veteran requires.

23 “(B) If an entity finds under subparagraph (A) that
24 an eligible veteran is not receiving the care the veteran
25 requires, the entity shall submit to the Secretary a rec-

1 ommendation on the corrective actions that should be
2 taken to ensure that the veteran receives the care the vet-
3 eran requires, including, if the entity considers appro-
4 priate, a recommendation for revocation of a caregiver's
5 approval under subsection (d)(3) or revocation of the des-
6 ignation of an individual under subsection (e)(1).

7 “(5) After receiving findings and recommendations,
8 if any, under paragraph (4) with respect to an eligible vet-
9 eran, the Secretary may take such actions as the Secretary
10 considers appropriate to ensure that the veteran receives
11 the care the veteran requires, including the following:

12 “(A) Revocation of a caregiver's approval under
13 subsection (d)(3).

14 “(B) Revocation of the designation of an indi-
15 vidual under subsection (e)(1).

16 “(6) If the Secretary terminates the provision of on-
17 going family caregiver assistance under subsection (f) to
18 a family member of an eligible veteran (or other individual
19 designated by the veteran) because of findings of an entity
20 submitted to the Secretary under paragraph (4), the Sec-
21 retary may not provide compensation to such entity for
22 the provision of personal care services to such veteran, un-
23 less the Secretary determines it would be in the best inter-
24 est of such veteran to provide compensation to such entity
25 to provide such services.

1 “(i) OUTREACH.—The Secretary shall carry out a
2 program of outreach to inform eligible veterans and their
3 family members of the availability and nature of family
4 caregiver assistance under this section.

5 “(j) CONSTRUCTION.—(1) A decision by the Sec-
6 retary under this section affecting the furnishing of family
7 caregiver assistance shall be considered a medical deter-
8 mination.

9 “(2) Nothing in this section shall be construed to cre-
10 ate an employment relationship between the Secretary and
11 an individual in receipt of family caregiver assistance
12 under this section.

13 “(3) Nothing in this section shall be construed to cre-
14 ate any entitlement to any services or stipends provided
15 under this section.

16 “(k) DEFINITIONS.—In this section:

17 “(1) The term ‘family caregiver assistance’ in-
18 cludes the instruction, preparation, training, and ap-
19 proval provided under subsection (d) and the ongo-
20 ing family caregiver assistance provided under sub-
21 section (f).

22 “(2) The term ‘family member’ shall have such
23 meaning as the Secretary shall determine by policy
24 or regulation.

1 “(3) The term ‘personal care services’, with re-
2 spect to a veteran, includes the following:

3 “(A) Supervision of the veteran.

4 “(B) Protection of the veteran.

5 “(C) Services to assist the veteran with
6 one or more independent activities of daily liv-
7 ing.

8 “(D) Such other services as the Secretary
9 considers appropriate.”.

10 (2) CLERICAL AMENDMENT.—The table of sec-
11 tions at the beginning of chapter 17 is amended by
12 inserting after the item related to section 1717 the
13 following new item:

“1717A. Family caregiver assistance.”.

14 (3) AUTHORIZATION FOR PROVISION OF
15 HEALTH CARE TO PERSONAL CARE ATTENDANTS.—
16 Section 1781(a) is amended—

17 (A) by redesignating paragraphs (2) and
18 (3) as paragraphs (3) and (4), respectively; and

19 (B) by inserting after paragraph (1) the
20 following new paragraph (2):

21 “(2) a family member of a veteran (or other in-
22 dividual designated by the veteran) designated as the
23 primary personal care attendant for such veteran
24 under section 1717A(e) of this title who is not enti-

1 tled to care or services under a health-plan contract
2 (as defined in section 1725(f) of this title),”.

3 (4) CONSTRUCTION.—Any family caregiver as-
4 sistance furnished under section 1717A of title 38,
5 United States Code, as added by paragraph (1), is
6 in addition to any family caregiver assistance fur-
7 nished under other programs of the Department of
8 Veterans Affairs as of the date of the enactment of
9 this Act.

10 (5) EFFECTIVE DATE.—The amendments made
11 by this subsection shall take effect on the date that
12 is 270 days after the date of the enactment of this
13 Act.

14 (b) IMPLEMENTATION PLAN AND REPORT.—

15 (1) IN GENERAL.—Not later than 180 days
16 after the date of the enactment of this Act, the Sec-
17 retary of Veterans Affairs shall—

18 (A) develop a plan for the implementation
19 of section 1717A of title 38, United States
20 Code, as added by subsection (a)(1); and

21 (B) submit to the Committee on Veterans’
22 Affairs of the Senate and the Committee on
23 Veterans’ Affairs of the House of Representa-
24 tives a report on such plan.

1 (2) CONSULTATION.—In developing the plan re-
2 quired by paragraph (1)(A), the Secretary shall con-
3 sult with the following:

4 (A) Veterans described in section 1717A(b)
5 of title 38, United States Code, as added by
6 subsection (a)(1).

7 (B) Family members of veterans who pro-
8 vide personal care services to such veterans.

9 (C) Veterans service organizations, as rec-
10 ognized by the Secretary of Veterans Affairs for
11 the representation of veterans under section
12 5902 of title 38, United States Code.

13 (D) National organizations that specialize
14 in the provision of assistance to individuals with
15 the types of disabilities that personal care at-
16 endants will encounter while providing personal
17 care services under section 1717A of title 38,
18 United States Code, as so added.

19 (E) Such other organizations with an in-
20 terest in the provision of care to veterans as the
21 Secretary considers appropriate.

22 (F) The Secretary of Defense with respect
23 to matters concerning personal care services for
24 members of the Armed Forces undergoing med-
25 ical discharge from the Armed Forces who are

1 eligible to benefit from family caregiver assist-
2 ance furnished under section 1717A of title 38,
3 United States Code, as so added.

4 (3) REPORT CONTENTS.—The report required
5 by paragraph (1)(B) shall contain the following:

6 (A) The plan required by paragraph
7 (1)(A).

8 (B) A description of the veterans, care-
9 givers, and organizations consulted by the Sec-
10 retary under paragraph (2).

11 (C) A description of such consultations.

12 (D) The recommendations of such vet-
13 erans, caregivers, and organizations, if any,
14 that were not incorporated into the plan re-
15 quired by paragraph (1)(A).

16 (E) The reasons the Secretary did not in-
17 corporate such recommendations into such plan.

18 (c) ANNUAL EVALUATION REPORT.—

19 (1) IN GENERAL.—Not later than two years
20 after the date described in subsection (a)(5) and an-
21 nually thereafter, the Secretary shall submit to the
22 Committee on Veterans' Affairs of the Senate and
23 the Committee on Veterans' Affairs of the House of
24 Representatives a comprehensive report on the im-

1 plementation of section 1717A of title 38, United
2 States Code, as added by subsection (a)(1).

3 (2) CONTENTS.—The report required by para-
4 graph (1) shall include the following:

5 (A) The number of family members (or
6 other designated individuals) of veterans or
7 members of the Armed Forces that received
8 family caregiver assistance under such section
9 1717A.

10 (B) A description of the outreach activities
11 carried out by the Secretary in accordance with
12 subsection (i) of such section 1717A.

13 (C) The resources expended by the Sec-
14 retary under such section 1717A.

15 (D) An assessment of the manner in which
16 resources are expended by the Secretary under
17 such section 1717A, particularly with respect to
18 the provision of monthly personal caregiver sti-
19 pends under subsection (f) of such section.

20 (E) A description of the outcomes achieved
21 by, and any measurable benefits of, carrying
22 out the requirements of such section 1717A.

23 (F) A justification of any determination
24 made under subsection (b)(2) of such section
25 1717A.

1 (G) An assessment of the effectiveness and
2 the efficiency of the implementation of such sec-
3 tion 1717A.

4 (H) An assessment of how the provision of
5 family caregiver assistance fits into the con-
6 tinuum of home health care services and bene-
7 fits provided to veterans in need of such serv-
8 ices and benefits.

9 (I) Such recommendations, including rec-
10 ommendations for legislative or administrative
11 action, as the Secretary considers appropriate
12 in light of carrying out the requirements of
13 such section 1717A.

14 (d) REPORT ON FEASIBILITY AND ADVISABILITY OF
15 EXPANDING CAREGIVER ASSISTANCE.—

16 (1) IN GENERAL.—Not later than two years
17 after the date of the enactment of the Caregivers
18 and Veterans Omnibus Health Services Act of 2009,
19 the Secretary shall submit to the Committee on Vet-
20 erans' Affairs of the Senate and the Committee on
21 Veterans' Affairs of the House of Representatives a
22 report on the feasibility and advisability of expand-
23 ing the provision of family caregiver assistance
24 under section 1717A of title 38, United States Code,
25 as added by subsection (a)(1), to family members of

1 veterans (or other individuals designated by such
2 veterans) who—

3 (A) have a serious injury described in sub-
4 section (b)(1) of such section 1717A incurred
5 or aggravated before September 11, 2001; and

6 (B) are described in paragraph (2) of such
7 subsection.

8 (2) RECOMMENDATIONS.—The report required
9 by paragraph (1) shall include such recommenda-
10 tions as the Secretary considers appropriate with re-
11 spect to the expansion described in such paragraph.

12 **SEC. 103. LODGING AND SUBSISTENCE FOR ATTENDANTS.**

13 Section 111(e) is amended—

14 (1) by striking “When any” and inserting “(1)
15 When any”;

16 (2) in paragraph (1), as designated by para-
17 graph (1) of this subsection—

18 (A) by inserting “(including lodging and
19 subsistence)” after “expenses of travel”; and

20 (B) by inserting before the period at the
21 end the following: “for the period consisting of
22 travel to and from a treatment facility and the
23 duration of the treatment episode at that facil-
24 ity”; and

25 (3) by adding at the end the following:

1 “(2) The Secretary may prescribe regulations to
2 carry out this subsection. Such regulations may include
3 provisions—

4 “(A) to limit the number of individuals that
5 may receive expenses of travel under paragraph (1)
6 for a single treatment episode of a person; and

7 “(B) to require attendants to use certain travel
8 services.

9 “(3) In this subsection:

10 “(A) The term ‘attendant’ includes, with re-
11 spect to a person described in paragraph (1), the fol-
12 lowing:

13 “(i) A family member of the person.

14 “(ii) An individual approved as a personal
15 care attendant under section 1717A(d)(3) of
16 this title.

17 “(iii) Any other individual whom the Sec-
18 retary determines—

19 “(I) has a preexisting relationship
20 with the person; and

21 “(II) provides a significant portion of
22 the person’s care.

23 “(B) The term ‘family member’ shall have such
24 meaning as the Secretary shall determine by policy
25 or regulation.”.

1 **SEC. 104. SURVEY OF INFORMAL CAREGIVERS.**

2 (a) IN GENERAL.—The Secretary of Veterans Affairs
3 shall, in collaboration with the Secretary of Defense, con-
4 duct a national survey of family caregivers of seriously dis-
5 abled veterans and members of the Armed Forces to better
6 understand the size and characteristics of the population
7 of such caregivers and the types of care they provide such
8 veterans and members.

9 (b) REPORT.—Not later than 540 days after the date
10 of the enactment of this Act, the Secretary of Veterans
11 Affairs shall, in collaboration with the Secretary of De-
12 fense, submit to Congress a report containing the findings
13 of the Secretary with respect to the survey conducted
14 under subsection (a). Results of the survey shall be
15 disaggregated by the following:

16 (1) Veterans and members of the Armed
17 Forces.

18 (2) Veterans and members of the Armed Forces
19 who served in Operation Iraqi Freedom or Operation
20 Enduring Freedom.

21 (3) Veterans and members of the Armed Forces
22 who live in rural areas.

1 **TITLE II—WOMEN VETERANS**
 2 **HEALTH CARE MATTERS**

3 **SEC. 201. REPORT ON BARRIERS TO RECEIPT OF HEALTH**
 4 **CARE FOR WOMEN VETERANS.**

5 (a) REPORT.—Not later than June 1, 2010, the Sec-
 6 retary of Veterans Affairs shall submit to the Committee
 7 on Veterans' Affairs of the Senate and the Committee on
 8 Veterans' Affairs of the House of Representatives a report
 9 on the barriers to the receipt of comprehensive health care
 10 through the Department of Veterans Affairs that are en-
 11 countered by women veterans, especially veterans of Oper-
 12 ation Iraqi Freedom and Operation Enduring Freedom.

13 (b) ELEMENTS.—The report required by subsection
 14 (a) shall include the following:

15 (1) An identification and assessment of the fol-
 16 lowing:

17 (A) Any stigma perceived or associated
 18 with seeking mental health care services
 19 through the Department of Veterans Affairs.

20 (B) The effect on access to care through
 21 the Department of driving distance or avail-
 22 ability of other forms of transportation to the
 23 nearest appropriate facility of the Department.

24 (C) The availability of child care.

1 (D) The receipt of health care through
2 women's health clinics, integrated primary care
3 clinics, or both.

4 (E) The extent of comprehension of eligi-
5 bility requirements for health care through the
6 Department, and the scope of health care serv-
7 ices available through the Department.

8 (F) The quality and nature of the recep-
9 tion of women veterans by Department health
10 care providers and other staff.

11 (G) The perception of personal safety and
12 comfort of women veterans in inpatient, out-
13 patient, and behavioral health facilities of the
14 Department.

15 (H) The sensitivity of Department health
16 care providers and other staff to issues that
17 particularly affect women.

18 (I) The effectiveness of outreach on health
19 care services of the Department that are avail-
20 able to women veterans.

21 (J) Such other matters as the Secretary
22 identifies for purposes of the assessment.

23 (2) Such recommendations for administrative
24 and legislative action as the Secretary considers ap-
25 propriate in light of the report.

1 (c) FACILITY OF THE DEPARTMENT DEFINED.—In
 2 this section, the term “facility of the Department” has the
 3 meaning given that term in section 1701 of title 38,
 4 United States Code.

5 **SEC. 202. PLAN TO IMPROVE PROVISION OF HEALTH CARE**
 6 **SERVICES TO WOMEN VETERANS.**

7 (a) PLAN TO IMPROVE SERVICES.—

8 (1) IN GENERAL.—The Secretary of Veterans
 9 Affairs shall develop a plan—

10 (A) to improve the provision of health care
 11 services to women veterans; and

12 (B) to plan appropriately for the future
 13 health care needs, including mental health care
 14 needs, of women serving on active duty in the
 15 Armed Forces in the combat theaters of Oper-
 16 ation Iraqi Freedom and Operation Enduring
 17 Freedom.

18 (2) REQUIRED ACTIONS.—In developing the
 19 plan required by this subsection, the Secretary of
 20 Veterans Affairs shall—

21 (A) identify the types of health care serv-
 22 ices to be available to women veterans at each
 23 Department of Veterans Affairs medical center;
 24 and

1 (B) identify the personnel and other re-
 2 sources required to provide such services to
 3 women veterans under the plan at each such
 4 medical center.

5 (b) SUBMITTAL OF PLAN TO CONGRESS.—Not later
 6 than 18 months after the date of the enactment of this
 7 Act, the Secretary of Veterans Affairs shall submit to the
 8 Committee on Veterans' Affairs of the Senate and the
 9 Committee on Veterans' Affairs of the House of Rep-
 10 resentatives the plan required by this section, along with
 11 such recommendations for administrative and legislative
 12 action as the Secretary considers appropriate in light of
 13 the plan.

14 **SEC. 203. INDEPENDENT STUDY ON HEALTH CON-**
 15 **SEQUENCES OF WOMEN VETERANS OF MILI-**
 16 **TARY SERVICE IN OPERATION IRAQI FREE-**
 17 **DOM AND OPERATION ENDURING FREEDOM.**

18 (a) STUDY REQUIRED.—The Secretary of Veterans
 19 Affairs shall enter into an agreement with a non-Depart-
 20 ment of Veterans Affairs entity for the purpose of con-
 21 ducting a study on health consequences for women vet-
 22 erans of service on active duty in the Armed Forces in
 23 deployment in Operation Iraqi Freedom and Operation
 24 Enduring Freedom.

1 (b) SPECIFIC MATTERS STUDIED.—The study under
2 subsection (a) shall include the following:

3 (1) A determination of any association of envi-
4 ronmental and occupational exposures and combat in
5 Operation Iraqi Freedom or Operation Enduring
6 Freedom with the general health, mental health, or
7 reproductive health of women who served on active
8 duty in the Armed Forces in Operation Iraqi Free-
9 dom or Operation Enduring Freedom.

10 (2) A review and analysis of published lit-
11 erature on environmental and occupational exposures
12 of women while serving in the Armed Forces, includ-
13 ing combat trauma, military sexual trauma, and ex-
14 posure to potential teratogens associated with repro-
15 ductive problems and birth defects.

16 (c) REPORT.—

17 (1) IN GENERAL.—Not later than 18 months
18 after entering into the agreement for the study
19 under subsection (a), the entity described in sub-
20 section (a) shall submit to the Secretary of Veterans
21 Affairs and to Congress a report on the study con-
22 taining such findings and determinations as the enti-
23 ty considers appropriate.

24 (2) RESPONSIVE REPORT.—Not later than 90
25 days after the receipt of the report under paragraph

1 (1), the Secretary shall submit to Congress a report
 2 setting forth the response of the Secretary to the
 3 findings and determinations of the entity described
 4 in subsection (a) in the report under paragraph (1).

5 **SEC. 204. TRAINING AND CERTIFICATION FOR MENTAL**
 6 **HEALTH CARE PROVIDERS ON CARE FOR**
 7 **VETERANS SUFFERING FROM SEXUAL TRAU-**
 8 **MA.**

9 (a) PROGRAM REQUIRED.—Section 1720D is amend-
 10 ed—

11 (1) by redesignating subsection (d) as sub-
 12 section (f); and

13 (2) by inserting after subsection (c) the fol-
 14 lowing new subsections:

15 “(d)(1) The Secretary shall implement a program for
 16 education, training, certification, and continuing medical
 17 education for mental health professionals to specialize in
 18 the provision of counseling and care to veterans eligible
 19 for services under subsection (a). In carrying out the pro-
 20 gram, the Secretary shall ensure that all such mental
 21 health professionals have been trained in a consistent
 22 manner and that such training includes principles of evi-
 23 dence-based treatment and care for sexual trauma.

24 “(2) The Secretary shall determine the minimum
 25 qualifications necessary for mental health professionals

1 certified by the program under paragraph (1) to provide
2 evidence-based treatment and therapy to veterans eligible
3 for services under subsection (a) in facilities of the De-
4 partment.

5 “(e) The Secretary shall submit to Congress each
6 year a report on the counseling, care, and services pro-
7 vided to veterans under this section. Each report shall in-
8 clude data for the preceding year with respect to the fol-
9 lowing:

10 “(1) The number of mental health professionals
11 and primary care providers who have been certified
12 under the program under subsection (d), and the
13 amount and nature of continuing medical education
14 provided under such program to professionals and
15 providers who have been so certified.

16 “(2) The number of women veterans who re-
17 ceived counseling, care, and services under sub-
18 section (a) from professionals and providers who
19 have been trained or certified under the program
20 under subsection (d).

21 “(3) The number of training, certification, and
22 continuing medical education programs operating
23 under subsection (d).

24 “(4) The number of trained full-time equivalent
25 employees required in each facility of the Depart-

1 ment to meet the needs of veterans requiring treat-
 2 ment and care for sexual trauma.

3 “(5) Such other information as the Secretary
 4 considers appropriate.”.

5 (b) STANDARDS FOR PERSONNEL PROVIDING
 6 TREATMENT FOR SEXUAL TRAUMA.—The Secretary of
 7 Veterans Affairs shall establish education, training, cer-
 8 tification, and staffing standards for Department of Vet-
 9 erans Affairs health-care facilities for full-time equivalent
 10 employees who are trained to provide treatment and care
 11 to veterans for sexual trauma.

12 **SEC. 205. PILOT PROGRAM ON COUNSELING IN RETREAT**
 13 **SETTINGS FOR WOMEN VETERANS NEWLY**
 14 **SEPARATED FROM SERVICE IN THE ARMED**
 15 **FORCES.**

16 (a) PILOT PROGRAM REQUIRED.—

17 (1) IN GENERAL.—Commencing not later than
 18 180 days after the date of the enactment of this Act,
 19 the Secretary of Veterans Affairs shall carry out,
 20 through the Readjustment Counseling Service of the
 21 Veterans Health Administration, a pilot program to
 22 evaluate the feasibility and advisability of providing
 23 reintegration and readjustment services described in
 24 subsection (b) in group retreat settings to women

1 veterans who are recently separated from service in
2 the Armed Forces after a prolonged deployment.

3 (2) PARTICIPATION AT ELECTION OF VET-
4 ERAN.—The participation of a veteran in the pilot
5 program under this section shall be at the election
6 of the veteran.

7 (b) COVERED SERVICES.—The services provided to a
8 woman veteran under the pilot program shall include the
9 following:

10 (1) Information on reintegration into the vet-
11 eran's family, employment, and community.

12 (2) Financial counseling.

13 (3) Occupational counseling.

14 (4) Information and counseling on stress reduc-
15 tion.

16 (5) Information and counseling on conflict reso-
17 lution.

18 (6) Such other information and counseling as
19 the Secretary considers appropriate to assist a
20 woman veteran under the pilot program in reinte-
21 gration into the veteran's family and community.

22 (c) LOCATIONS.—The Secretary shall carry out the
23 pilot program at not fewer than five locations selected by
24 the Secretary for purposes of the pilot program.

1 (d) DURATION.—The pilot program shall be carried
 2 out during the two-year period beginning on the date of
 3 the commencement of the pilot program.

4 (e) REPORT.—Not later than 180 days after the com-
 5 pletion of the pilot program, the Secretary shall submit
 6 to Congress a report on the pilot program. The report
 7 shall contain the findings and conclusions of the Secretary
 8 as a result of the pilot program, and shall include such
 9 recommendations for the continuation or expansion of the
 10 pilot program as the Secretary considers appropriate.

11 (f) AUTHORIZATION OF APPROPRIATIONS.—There
 12 are authorized to be appropriated to the Secretary of Vet-
 13 erans Affairs for each of fiscal years 2010 and 2011,
 14 \$2,000,000 to carry out the pilot program.

15 **SEC. 206. REPORT ON FULL-TIME WOMEN VETERANS PRO-**
 16 **GRAM MANAGERS AT MEDICAL CENTERS.**

17 The Secretary shall, acting through the Under Sec-
 18 retary for Health, submit to Congress a report on employ-
 19 ment of full-time women veterans program managers at
 20 Department of Veterans Affairs medical centers to ensure
 21 that health care needs of women veterans are met. Such
 22 report should include an assessment of whether there is
 23 at least one full-time employee at each Department med-
 24 ical center who is a full-time women veterans program
 25 manager.

1 **SEC. 207. SERVICE ON CERTAIN ADVISORY COMMITTEES OF**
 2 **WOMEN RECENTLY SEPARATED FROM SERV-**
 3 **ICE IN THE ARMED FORCES.**

4 (a) ADVISORY COMMITTEE ON WOMEN VETERANS.—

5 Section 542(a)(2)(A) is amended—

6 (1) in clause (ii), by striking “and” at the end;

7 (2) in clause (iii), by striking the period at the
 8 end and inserting “; and”; and

9 (3) by inserting after clause (iii) the following
 10 new clause:

11 “(iv) women veterans who are recently sepa-
 12 rated from service in the Armed Forces.”.

13 (b) ADVISORY COMMITTEE ON MINORITY VET-
 14 ERANS.—Section 544(a)(2)(A) is amended—

15 (1) in clause (iii), by striking “and” at the end;

16 (2) in clause (iv), by striking the period at the
 17 end and inserting “; and”; and

18 (3) by inserting after clause (iv) the following
 19 new clause:

20 “(v) women veterans who are minority group
 21 members and are recently separated from service in
 22 the Armed Forces.”.

23 (c) EFFECTIVE DATE.—The amendments made by
 24 this section shall apply to appointments made on or after
 25 the date of the enactment of this Act.

1 **SEC. 208. PILOT PROGRAM ON SUBSIDIES FOR CHILD CARE**
2 **FOR CERTAIN VETERANS RECEIVING HEALTH**
3 **CARE.**

4 (a) PILOT PROGRAM REQUIRED.—The Secretary of
5 Veterans Affairs shall carry out a pilot program to assess
6 the feasibility and advisability of providing, subject to sub-
7 section (b), subsidies to qualified veterans described in
8 subsection (c) to obtain child care so that such veterans
9 can receive health care services described in such sub-
10 section.

11 (b) LIMITATION ON PERIOD OF PAYMENTS.—A sub-
12 sidy may only be provided to a qualified veteran under
13 the pilot program for receipt of child care during the pe-
14 riod that the qualified veteran—

15 (1) receives the types of health care services re-
16 ferred to in subsection (c) at a facility of the De-
17 partment; and

18 (2) requires to travel to and return from such
19 facility for the receipt of such health care services.

20 (c) QUALIFIED VETERANS.—In this section, the term
21 “qualified veteran” means a veteran who is the primary
22 caretaker of a child or children and who is receiving from
23 the Department one or more of the following health care
24 services:

25 (1) Regular mental health care services.

26 (2) Intensive mental health care services.

1 (3) Such other intensive health care services
2 that the Secretary determines that payment to the
3 veteran for the provision of child care would improve
4 access to those health care services by the veteran.

5 (d) LOCATIONS.—The Secretary shall carry out the
6 pilot program in no fewer than three Veterans Integrated
7 Service Networks (VISNs) selected by the Secretary for
8 purposes of the pilot program.

9 (e) DURATION.—The pilot program shall be carried
10 out during the two-year period beginning on the date of
11 the commencement of the pilot program.

12 (f) EXISTING MODEL.—To the extent practicable, the
13 Secretary shall model the pilot program after the Depart-
14 ment of Veterans Affairs Child Care Subsidy Program
15 that was established pursuant to section 630 of the Treas-
16 ury and General Government Appropriations Act, 2002
17 (Public Law 107–67; 115 Stat. 552), using the same in-
18 come eligibility standards and payment structure.

19 (g) REPORT.—Not later than six months after the
20 completion of the pilot program, the Secretary shall sub-
21 mit to Congress a report on the pilot program. The report
22 shall include the findings and conclusions of the Secretary
23 as a result of the pilot program, and shall include such
24 recommendations for the continuation or expansion of the
25 pilot program as the Secretary considers appropriate.

1 (h) AUTHORIZATION OF APPROPRIATIONS.—There
 2 are authorized to be appropriated to the Secretary of Vet-
 3 erans Affairs for each of fiscal years 2010 and 2011,
 4 \$1,500,000 to carry out the pilot program.

5 **SEC. 209. CARE FOR NEWBORN CHILDREN OF WOMEN VET-**
 6 **ERANS RECEIVING MATERNITY CARE.**

7 (a) IN GENERAL.—Subchapter VIII of chapter 17 is
 8 amended by adding at the end the following new section:

9 **“SEC. 1786. CARE FOR NEWBORN CHILDREN OF WOMEN**
 10 **VETERANS RECEIVING MATERNITY CARE.**

11 “(a) IN GENERAL.—The Secretary may furnish
 12 health care services described in subsection (b) to a new-
 13 born child of a woman veteran who is receiving maternity
 14 care furnished by the Department for not more than 7
 15 days after the birth of the child if the veteran delivered
 16 the child in—

17 “(1) a facility of the Department; or

18 “(2) another facility pursuant to a Department
 19 contract for services relating to such delivery.

20 “(b) COVERED HEALTH CARE SERVICES.—Health
 21 care services described in this subsection are all post-deliv-
 22 ery care services, including routine care services, that a
 23 newborn requires.”.

24 (b) CLERICAL AMENDMENT.—The table of sections
 25 at the beginning of chapter 17 is amended by inserting

1 after the item relating to section 1785 the following new
2 item:

“1786. Care for newborn children of women veterans receiving maternity care.”.

3 **TITLE III—RURAL HEALTH** 4 **IMPROVEMENTS**

5 **SEC. 301. ENHANCEMENT OF DEPARTMENT OF VETERANS** 6 **AFFAIRS EDUCATION DEBT REDUCTION PRO-** 7 **GRAM.**

8 (a) ENHANCED MAXIMUM ANNUAL AMOUNT.—Para-
9 graph (1) of section 7683(d) is amended by striking
10 “\$44,000” and all that follows through “fifth years of par-
11 ticipation in the Program” and inserting “the total
12 amount of principle and interest owed by the participant
13 on loans referred to in subsection (a)”.

14 (b) NOTICE TO POTENTIAL EMPLOYEES OF ELIGI-
15 BILITY AND SELECTION FOR PARTICIPATION.—Section
16 7682 is amended by adding at the end the following new
17 subsection:

18 “(d) NOTICE TO POTENTIAL EMPLOYEES.—In each
19 offer of employment made by the Secretary to an indi-
20 vidual who, upon acceptance of such offer would be treated
21 as eligible to participate in the Education Debt Reduction
22 Program, the Secretary shall, to the maximum extent
23 practicable, include the following:

24 “(1) A notice that the individual will be treated
25 as eligible to participate in the Education Debt Re-

1 duction Program upon the individual’s acceptance of
2 such offer.

3 “(2) A notice of the determination of the Sec-
4 retary whether or not the individual will be selected
5 as a participant in the Education Debt Reduction
6 Program as of the individual’s acceptance of such
7 offer.”.

8 (c) SELECTION OF EMPLOYEES WHO RECEIVE NO-
9 TICE OF SELECTION WITH EMPLOYMENT OFFER.—Sec-
10 tion 7683 is further amended by adding at the end the
11 following new subsection:

12 “(e) SELECTION OF PARTICIPANTS.—(1) The Sec-
13 retary shall select for participation in the Education Debt
14 Reduction Program each individual eligible for participa-
15 tion in the Education Debt Reduction Program who—

16 “(A) the Secretary provided notice with an offer
17 of employment under section 7682(d) of this title
18 that indicated the individual would, upon the individ-
19 ual’s acceptance of such offer of employment, be—

20 “(i) eligible to participate in the Education
21 Debt Reduction Program; and

22 “(ii) selected to participate in the Edu-
23 cation Debt Reduction Program; and

24 “(B) accepts such offer of employment.

1 “(2) The Secretary may select for participation in the
 2 Education Debt Reduction Program an individual eligible
 3 for participation in the Education Debt Reduction Pro-
 4 gram who is not described by subparagraphs (A) and (B)
 5 of paragraph (1).”.

6 **SEC. 302. VISUAL IMPAIRMENT AND ORIENTATION AND MO-**
 7 **BILITY PROFESSIONALS EDUCATION ASSIST-**
 8 **ANCE PROGRAM.**

9 (a) ESTABLISHMENT OF PROGRAM.—Part V is
 10 amended by inserting after chapter 74 the following new
 11 chapter:

12 **“CHAPTER 75—VISUAL IMPAIRMENT AND**
 13 **ORIENTATION AND MOBILITY PROFES-**
 14 **SIONALS EDUCATION ASSISTANCE**
 15 **PROGRAM**

“Sec.

“7501. Establishment of scholarship program; purpose.

“7502. Application and acceptance.

“7503. Amount of assistance; duration.

“7504. Agreement.

“7505. Repayment for failure to satisfy requirements of agreement.

16 **“§ 7501. Establishment of scholarship program; pur-**
 17 **pose**

18 “(a) ESTABLISHMENT.—Subject to the availability of
 19 appropriations, the Secretary shall establish and carry out
 20 a scholarship program to provide financial assistance in
 21 accordance with this chapter to an individual—

1 “(1) who is accepted for enrollment or currently
 2 enrolled in a program of study leading to a degree
 3 or certificate in visual impairment or orientation and
 4 mobility, or a dual degree or certification in both
 5 such areas, at an accredited (as determined by the
 6 Secretary) educational institution that is in a State;
 7 and

8 “(2) who enters into an agreement with the
 9 Secretary as described in section 7504 of this chap-
 10 ter.

11 “(b) PURPOSE.—The purpose of the scholarship pro-
 12 gram established under this chapter is to increase the sup-
 13 ply of qualified blind rehabilitation specialists for the De-
 14 partment and the Nation.

15 “(c) OUTREACH.—The Secretary shall publicize the
 16 scholarship program established under this chapter to edu-
 17 cational institutions throughout the United States, with
 18 an emphasis on disseminating information to such institu-
 19 tions with high numbers of Hispanic students and to His-
 20 torically Black Colleges and Universities.

21 **“§ 7502. Application and acceptance**

22 “(a) APPLICATION.—(1) To apply and participate in
 23 the scholarship program under this chapter, an individual
 24 shall submit to the Secretary an application for such par-
 25 ticipation together with an agreement described in section

1 7504 of this chapter under which the participant agrees
 2 to serve a period of obligated service in the Department
 3 as provided in the agreement in return for payment of
 4 educational assistance as provided in the agreement.

5 “(2) In distributing application forms and agreement
 6 forms to individuals desiring to participate in the scholar-
 7 ship program, the Secretary shall include with such forms
 8 the following:

9 “(A) A fair summary of the rights and liabil-
 10 ities of an individual whose application is approved
 11 (and whose agreement is accepted) by the Secretary.

12 “(B) A full description of the terms and condi-
 13 tions that apply to participation in the scholarship
 14 program and service in the Department.

15 “(b) APPROVAL.—(1) Upon the Secretary’s approval
 16 of an individual’s participation in the scholarship program,
 17 the Secretary shall, in writing, promptly notify the indi-
 18 vidual of that acceptance.

19 “(2) An individual becomes a participant in the schol-
 20 arship program upon such approval by the Secretary.

21 **“§ 7503. Amount of assistance; duration**

22 “(a) AMOUNT OF ASSISTANCE.—The amount of the
 23 financial assistance provided for an individual under this
 24 chapter shall be the amount determined by the Secretary
 25 as being necessary to pay the tuition and fees of the indi-

vidual. In the case of an individual enrolled in a program of study leading to a dual degree or certification in both the areas of study described in section 7501(a)(1) of this chapter, the tuition and fees shall not exceed the amounts necessary for the minimum number of credit hours to achieve such dual certification or degree.

“(b) RELATIONSHIP TO OTHER ASSISTANCE.—Financial assistance may be provided to an individual under this chapter to supplement other educational assistance to the extent that the total amount of educational assistance received by the individual during an academic year does not exceed the total tuition and fees for such academic year.

“(c) MAXIMUM AMOUNT OF ASSISTANCE.—(1) In no case may the total amount of assistance provided under this chapter for an academic year to an individual who is a full-time student exceed \$15,000.

“(2) In the case of an individual who is a part-time student, the total amount of assistance provided under this chapter shall bear the same ratio to the amount that would be paid under paragraph (1) if the participant were a full-time student in the program of study being pursued by the individual as the coursework carried by the individual to full-time coursework in that program of study.

1 “(3) In no case may the total amount of assistance
 2 provided to an individual under this chapter exceed
 3 \$45,000.

4 “(d) MAXIMUM DURATION OF ASSISTANCE.—The
 5 Secretary may provide financial assistance to an individual
 6 under this chapter for not more than six years.

7 **“§ 7504. Agreement**

8 “An agreement between the Secretary and a partici-
 9 pant in the scholarship program under this chapter shall
 10 be in writing, shall be signed by the participant, and shall
 11 include—

12 “(1) the Secretary’s agreement to provide the
 13 participant with financial assistance as authorized
 14 under this chapter;

15 “(2) the participant’s agreement—

16 “(A) to accept such financial assistance;

17 “(B) to maintain enrollment and attend-
 18 ance in the program of study described in sec-
 19 tion 7501(a)(1) of this chapter;

20 “(C) while enrolled in such program, to
 21 maintain an acceptable level of academic stand-
 22 ing (as determined by the educational institu-
 23 tion offering such program under regulations
 24 prescribed by the Secretary); and

1 “(D) after completion of the program, to
 2 serve as a full-time employee in the Department
 3 for a period of three years, to be served within
 4 the first six years after the participant has com-
 5 pleted such program and received a degree or
 6 certificate described in section 7501(a)(1) of
 7 this chapter; and

8 “(3) any other terms and conditions that the
 9 Secretary determines appropriate for carrying out
 10 this chapter.

11 **“§ 7505. Repayment for failure to satisfy require-**
 12 **ments of agreement**

13 “(a) IN GENERAL.—An individual who receives edu-
 14 cational assistance under this chapter shall repay to the
 15 Secretary an amount equal to the unearned portion of
 16 such assistance if the individual fails to satisfy the require-
 17 ments of the agreement entered into under section 7504
 18 of this chapter, except in circumstances authorized by the
 19 Secretary.

20 “(b) AMOUNT OF REPAYMENT.—The Secretary shall
 21 establish, by regulations, procedures for determining the
 22 amount of the repayment required under this subsection
 23 and the circumstances under which an exception to the
 24 required repayment may be granted.

1 “(c) WAIVER OR SUSPENSION OF COMPLIANCE.—
 2 The Secretary shall prescribe regulations providing for the
 3 waiver or suspension of any obligation of an individual for
 4 service or payment under this chapter (or an agreement
 5 under this chapter) whenever noncompliance by the indi-
 6 vidual is due to circumstances beyond the control of the
 7 individual or whenever the Secretary determines that the
 8 waiver or suspension of compliance is in the best interest
 9 of the United States.

10 “(d) OBLIGATION AS DEBT TO UNITED STATES.—
 11 An obligation to repay the Secretary under this section
 12 is, for all purposes, a debt owed the United States. A dis-
 13 charge in bankruptcy under title 11 does not discharge
 14 a person from such debt if the discharge order is entered
 15 less than five years after the date of the termination of
 16 the agreement or contract on which the debt is based.”.

17 (b) CLERICAL AMENDMENTS.—The tables of chap-
 18 ters at the beginning of title 38, and of part V of title
 19 38, are each amended by inserting after the item relating
 20 to chapter 74 the following new item:

 “75. Visual Impairment and Orientation and Mobility Professionals
 Education Assistance Program 7501.”.

21 (c) EFFECTIVE DATE.—The Secretary of Veterans
 22 Affairs shall implement chapter 75 of title 38, United
 23 States Code, as added by subsection (a), not later than
 24 six months after the date of the enactment of this Act.

1 **SEC. 303. INCLUSION OF DEPARTMENT OF VETERANS AF-**
 2 **FAIRS FACILITIES IN LIST OF FACILITIES ELI-**
 3 **GIBLE FOR ASSIGNMENT OF PARTICIPANTS**
 4 **IN NATIONAL HEALTH SERVICE CORPS**
 5 **SCHOLARSHIP PROGRAM.**

6 The Secretary of Veterans Affairs shall transfer
 7 \$20,000,000 from accounts of the Veterans Health Ad-
 8 ministration to the Secretary of Health and Human Serv-
 9 ices to include facilities of the Department of Veterans Af-
 10 fairs in the list maintained by the Health Resources and
 11 Services Administration of facilities eligible for assignment
 12 of participants in the National Health Service Corps
 13 Scholarship Program.

14 **SEC. 304. TELECONSULTATION AND TELEMEDICINE.**

15 (a) TELECONSULTATION AND TELERETINAL IMAG-
 16 ING.—

17 (1) IN GENERAL.—Subchapter I of chapter 17
 18 is amended by adding at the end the following new
 19 section:

20 **“§ 1709. Teleconsultation and teleretinal imaging**

21 “(a) TELECONSULTATION.—(1) The Secretary shall
 22 carry out a program of teleconsultation for the provision
 23 of remote mental health and traumatic brain injury as-
 24 sessments in facilities of the Department that are not oth-
 25 erwise able to provide such assessments without con-

1 tracting with third party providers or reimbursing pro-
2 viders through a fee-basis system.

3 “(2) The Secretary shall, in consultation with appro-
4 priate professional societies, promulgate technical and
5 clinical care standards for the use of teleconsultation serv-
6 ices within facilities of the Department.

7 “(b) TELERETINAL IMAGING.—The Secretary shall
8 carry out a program of teleretinal imaging in each Vet-
9 erans Integrated Services Network (VISN).

10 “(c) ANNUAL REPORTS.—In each fiscal year begin-
11 ning with fiscal year 2010 and ending with fiscal year
12 2015, the Secretary shall submit to Congress a report on
13 the programs required by subsections (a) and (b). Such
14 report shall include the following:

15 “(1) A description of the efforts made by the
16 Secretary to make teleconsultation available in rural
17 areas and to utilize teleconsultation in rural areas.

18 “(2) The rates of utilization of teleconsultation
19 by Veterans Integrated Services Network
20 disaggregated by each fiscal year for which a report
21 is submitted under this subsection.

22 “(d) DEFINITIONS.—In this section:

23 “(1) The term ‘teleconsultation’ means the use
24 by a health care specialist of telecommunications to

1 assist another health care provider in rendering a di-
2 agnosis or treatment.

3 “(2) The term ‘teleretinal imaging’ means the
4 use by a health care specialist of telecommuni-
5 cations, digital retinal imaging, and remote image
6 interpretation to provide eye care.”.

7 (2) CLERICAL AMENDMENT.—The table of sec-
8 tions at the beginning of chapter 17 is amended by
9 inserting after the item related to section 1708 the
10 following new item:

“1709. Teleconsultation and teleretinal imaging.”.

11 (b) TRAINING IN TELEMEDICINE.—The Secretary of
12 Veterans Affairs shall require each Department of Vet-
13 erans Affairs facility that is involved in the training of
14 medical residents to work with each university concerned
15 to develop an elective rotation in telemedicine for such
16 residents.

17 (c) ENHANCEMENT OF VERA.—

18 (1) INCENTIVES FOR PROVISION OF TELECON-
19 SULTATION, TELERETINAL IMAGING, TELEMEDICINE,
20 AND TELEHEALTH SERVICES.—The Secretary of
21 Veterans Affairs shall modify the Veterans Equitable
22 Resource Allocation system to provide Veterans Inte-
23 grated Services Networks with incentives to utilize
24 teleconsultation, teleretinal imaging, telemedicine,
25 and telehealth coordination services.

1 (2) INCLUSION OF TELEMEDICINE VISITS IN
2 WORKLOAD REPORTING.—The Secretary shall mod-
3 ify the Veterans Equitable Resource Allocation sys-
4 tem to require the inclusion of all telemedicine visits
5 in the calculation of facility workload.

6 (d) DEFINITIONS.—In this section:

7 (1) The terms “teleconsultation” and “teleret-
8 inal imaging” have the meanings given such terms
9 in section 1709 of title 38, United States Code, as
10 added by subsection (a).

11 (2) The term “telemedicine” means the use by
12 a health care provider of telecommunications to as-
13 sist in the diagnosis or treatment of a patient’s med-
14 ical condition.

15 (3) The term “telehealth” means the use of
16 telecommunications to collect patient data remotely
17 and send data to a monitoring station for interpreta-
18 tion.

19 **SEC. 305. DEMONSTRATION PROJECTS ON ALTERNATIVES**
20 **FOR EXPANDING CARE FOR VETERANS IN**
21 **RURAL AREAS.**

22 (a) IN GENERAL.—The Secretary of Veterans Af-
23 fairs, through the Director of the Office of Rural Health,
24 may carry out demonstration projects to examine the fea-
25 sibility and advisability of alternatives for expanding care

1 for veterans in rural areas, which may include the fol-
2 lowing:

3 (1) Establishing a partnership between the De-
4 partment of Veterans Affairs and the Centers for
5 Medicare and Medicaid Services of the Department
6 of Health and Human Services to coordinate care
7 for veterans in rural areas at critical access hospitals
8 (as designated or certified under section 1820 of the
9 Social Security Act (42 U.S.C. 1395i-4)).

10 (2) Establishing a partnership between the De-
11 partment of Veterans Affairs and the Department of
12 Health and Human Services to coordinate care for
13 veterans in rural areas at community health centers.

14 (3) Expanding coordination between the De-
15 partment of Veterans Affairs and the Indian Health
16 Service to expand care for Indian veterans.

17 (b) GEOGRAPHIC DISTRIBUTION.—The Secretary
18 shall ensure that the demonstration projects carried out
19 under subsection (a) are located at facilities that are geo-
20 graphically distributed throughout the United States.

21 (c) REPORT.—Not later than two years after the date
22 of the enactment of this Act, the Secretary shall submit
23 a report on the results of the demonstration projects con-
24 ducted under subsection (a) to—

1 (1) the Committee on Veterans' Affairs and the
 2 Committee on Appropriations of the Senate; and

3 (2) the Committee on Veterans' Affairs and the
 4 Committee on Appropriations of the House of Rep-
 5 resentatives.

6 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
 7 authorized to be appropriated to carry out this section
 8 \$5,000,000 for fiscal year 2010 and each fiscal year there-
 9 after.

10 **SEC. 306. PROGRAM ON PROVISION OF READJUSTMENT**
 11 **AND MENTAL HEALTH CARE SERVICES TO**
 12 **VETERANS WHO SERVED IN OPERATION**
 13 **IRAQI FREEDOM AND OPERATION ENDURING**
 14 **FREEDOM.**

15 (a) PROGRAM REQUIRED.—Not later than 180 days
 16 after the date of the enactment of this Act, the Secretary
 17 of Veterans Affairs shall establish a program to provide—

18 (1) to veterans of Operation Iraqi Freedom and
 19 Operation Enduring Freedom, particularly veterans
 20 who served in such operations while in the National
 21 Guard and the Reserves—

22 (A) peer outreach services;

23 (B) peer support services;

1 (C) readjustment counseling and services
 2 described in section 1712A of title 38, United
 3 States Code; and

4 (D) mental health services; and

5 (2) to members of the immediate family of such
 6 a veteran, during the three-year period beginning on
 7 the date of the return of such veteran from deploy-
 8 ment in Operation Iraqi Freedom or Operation En-
 9 during Freedom, education, support, counseling, and
 10 mental health services to assist in—

11 (A) the readjustment of such veteran to ci-
 12 vilian life;

13 (B) in the case such veteran has an injury
 14 or illness incurred during such deployment, the
 15 recovery of such veteran; and

16 (C) the readjustment of the family fol-
 17 lowing the return of such veteran.

18 (b) CONTRACTS WITH COMMUNITY MENTAL
 19 HEALTH CENTERS AND QUALIFIED ENTITIES FOR PRO-
 20 VISION OF SERVICES.—In carrying out the program re-
 21 quired by subsection (a), the Secretary shall contract with
 22 community mental health centers and other qualified enti-
 23 ties to provide the services required by such subsection
 24 only in areas the Secretary determines are not adequately
 25 served by other health care facilities or vet centers of the

1 Department of Veterans Affairs. Such contracts shall re-
2 quire each contracting community health center or enti-
3 ty—

4 (1) to the extent practicable, to use telehealth
5 services for the delivery of services required by sub-
6 section (a);

7 (2) to the extent practicable, to employ veterans
8 trained under subsection (c);

9 (3) to participate in the training program con-
10 ducted in accordance with subsection (d);

11 (4) to comply with applicable protocols of the
12 Department before incurring any liability on behalf
13 of the Department for the provision of the services
14 required by subsection (a);

15 (5) for each veteran for whom a community
16 mental health center or other qualified entity pro-
17 vides mental health services under such contract, to
18 provide the Department with such clinical summary
19 information as the Secretary shall require;

20 (6) to submit annual reports to the Secretary
21 containing, with respect to the program required by
22 subsection (a) and for the last full calendar year
23 ending before the submission of such report—

24 (A) the number of the veterans served, vet-
25 erans diagnosed, and courses of treatment pro-

1 vided to veterans as part of the program re-
2 quired by subsection (a); and

3 (B) demographic information for such
4 services, diagnoses, and courses of treatment;
5 and

6 (7) to meet such other requirements as the Sec-
7 retary shall require.

8 (c) TRAINING OF VETERANS FOR THE PROVISION OF
9 PEER-OUTREACH AND PEER-SUPPORT SERVICES.—In
10 carrying out the program required by subsection (a), the
11 Secretary shall contract with a national not-for-profit
12 mental health organization to carry out a national pro-
13 gram of training for veterans described in subsection (a)
14 to provide the services described in subparagraphs (A) and
15 (B) of paragraph (1) of such subsection.

16 (d) TRAINING OF CLINICIANS FOR PROVISION OF
17 SERVICES.—The Secretary shall conduct a training pro-
18 gram for clinicians of community mental health centers
19 or entities that have contracts with the Secretary under
20 subsection (b) to ensure that such clinicians can provide
21 the services required by subsection (a) in a manner that—

22 (1) recognizes factors that are unique to the ex-
23 perience of veterans who served on active duty in
24 Operation Iraqi Freedom or Operation Enduring

1 Freedom (including their combat and military train-
2 ing experiences); and

3 (2) utilizes best practices and technologies.

4 (e) REPORTS REQUIRED.—

5 (1) INITIAL REPORT ON PLAN FOR IMPLEMEN-
6 TATION.—Not later than 45 days after the date of
7 the enactment of this Act, the Secretary shall submit
8 to the Committee on Veterans' Affairs of the Senate
9 and the Committee on Veterans' Affairs of the
10 House of Representatives a report containing the
11 plans of the Secretary to implement the program re-
12 quired by subsection (a).

13 (2) STATUS REPORT.—Not later than one year
14 after the date of the enactment of this Act, the Sec-
15 retary shall submit to the Committee on Veterans'
16 Affairs of the Senate and the Committee on Vet-
17 erans' Affairs of the House of Representatives a re-
18 port on the implementation of the program. Such re-
19 port shall include the following:

20 (A) Information on the number of veterans
21 who received services as part of the program
22 and the type of services received during the last
23 full calendar year completed before the submis-
24 sion of such report.

1 (B) An evaluation of the provision of serv-
 2 ices under paragraph (2) of subsection (a) and
 3 a recommendation as to whether the period de-
 4 scribed in such paragraph should be extended
 5 to a five-year period.

6 **SEC. 307. IMPROVEMENT OF CARE OF AMERICAN INDIAN**
 7 **VETERANS.**

8 (a) INDIAN HEALTH COORDINATORS.—

9 (1) IN GENERAL.—Subchapter II of chapter 73
 10 is amended by adding at the end the following new
 11 section:

12 **“§ 7330B. Indian Veterans Health Care Coordinators**

13 “(a) IN GENERAL.—(1) The Secretary shall assign
 14 at each of the 10 Department Medical Centers that serve
 15 communities with the greatest number of Indian veterans
 16 per capita an official or employee of the Department to
 17 act as the coordinator of health care for Indian veterans
 18 at such Medical Center. The official or employee so as-
 19 signed at a Department Medical Center shall be known
 20 as the ‘Indian Veterans Health Care Coordinator’ for the
 21 Medical Center.

22 “(2) The Secretary shall, from time to time—

23 “(A) survey the Department Medical Centers
 24 for purposes of identifying the 10 Department Med-
 25 ical Centers that currently serve communities with

1 the greatest number of Indian veterans per capita;
2 and

3 “(B) utilizing the results of the most recent
4 survey conducted under subparagraph (A), revise the
5 assignment of Indian Veterans Health Care Coordi-
6 nators in order to assure the assignment of such co-
7 ordinators to appropriate Department Medical Cen-
8 ters as required by paragraph (1).

9 “(b) DUTIES.—The duties of an Indian Veterans
10 Health Care Coordinator shall include the following:

11 “(1) Improving outreach to tribal communities.

12 “(2) Coordinating the medical needs of Indian
13 veterans on Indian reservations with the Veterans
14 Health Administration and the Indian Health Serv-
15 ice.

16 “(3) Expanding the access and participation of
17 the Department of Veterans Affairs, the Indian
18 Health Service, and tribal members in the Depart-
19 ment of Veterans Affairs Tribal Veterans Represent-
20 ative program.

21 “(4) Acting as an ombudsman for Indian vet-
22 erans enrolled in the health care system of the Vet-
23 erans Health Administration.

24 “(5) Advocating for the incorporation of tradi-
25 tional medicine and healing in Department treat-

1 ment plans for Indian veterans in need of care and
2 services provided by the Department.

3 “(c) INDIAN DEFINED.—In this section, the term ‘In-
4 dian’ has the meaning given the term in section 4 of the
5 Indian Self-Determination and Education Assistance Act
6 (25 U.S.C. 450b).”.

7 (2) CLERICAL AMENDMENT.—The table of sec-
8 tions at the beginning of chapter 73 is amended by
9 inserting after the item relating to section 7330A
10 the following new item:

“7330B. Indian Veterans Health Coordinators.”.

11 (b) INTEGRATION OF ELECTRONIC HEALTH
12 RECORDS WITH INDIAN HEALTH SERVICE.—Not later
13 than one year after the date of the enactment of this Act,
14 the Secretary of Veterans Affairs and the Secretary of
15 Health and Human Services shall enter into a memo-
16 randum of understanding to ensure that the health
17 records of Indian veterans may be transferred electroni-
18 cally between facilities of the Indian Health Service and
19 the Department of Veterans Affairs.

20 (c) TRANSFER OF MEDICAL EQUIPMENT TO THE IN-
21 DIAN HEALTH SERVICE.—

22 (1) IN GENERAL.—The Secretary of Veterans
23 Affairs may transfer to the Indian Health Service
24 such surplus Department of Veterans Affairs med-
25 ical and information technology equipment as the

1 Secretary of Veterans Affairs and the Secretary of
2 Health and Human Services jointly consider appro-
3 priate for purposes of the Indian Health Service.

4 (2) TRANSPORTATION AND INSTALLATION.—In
5 transferring medical or information technology
6 equipment under this subsection, the Secretary of
7 Veterans Affairs may transport and install such
8 equipment in facilities of the Indian Health Service.

9 (d) REPORT ON JOINT HEALTH CLINICS WITH IN-
10 DIAN HEALTH SERVICE.—Not later than one year after
11 the date of the enactment of this Act, the Secretary of
12 Veterans Affairs and the Secretary of Health and Human
13 Services shall jointly submit to Congress a report on the
14 feasibility and advisability of the joint establishment and
15 operation by the Veterans Health Administration and the
16 Indian Health Service of health clinics on Indian reserva-
17 tions to serve the populations of such reservations, includ-
18 ing Indian veterans.

19 **SEC. 308. TRAVEL REIMBURSEMENT FOR VETERANS RE-**
20 **CEIVING TREATMENT AT FACILITIES OF THE**
21 **DEPARTMENT OF VETERANS AFFAIRS.**

22 (a) ENHANCEMENT OF ALLOWANCE BASED UPON
23 MILEAGE TRAVELED.—Section 111 is amended—

1 (1) in subsection (a), by striking “traveled,”
2 and inserting “(at a rate of 41.5 cents per mile),”;
3 and

4 (2) by amending subsection (g) to read as fol-
5 lows:

6 “(g)(1) Beginning one year after the date of the en-
7 actment of the Caregivers and Veterans Omnibus Health
8 Services Act of 2009, the Secretary may adjust the mile-
9 age rate described in subsection (a) to be equal to the
10 mileage reimbursement rate for the use of privately owned
11 vehicles by Government employees on official business
12 (when a Government vehicle is available), as prescribed by
13 the Administrator of General Services under section
14 5707(b) of title 5.

15 “(2) If an adjustment in the mileage rate under para-
16 graph (1) results in a lower mileage rate than the mileage
17 rate otherwise specified in subsection (a), the Secretary
18 shall, not later than 60 days before the date of the imple-
19 mentation of the mileage rate as so adjusted, submit to
20 Congress a written report setting forth the adjustment in
21 the mileage rate under this subsection, together with a
22 justification for the decision to make the adjustment in
23 the mileage rate under this subsection.”.

24 (b) COVERAGE OF COST OF TRANSPORTATION BY
25 AIR.—Subsection (a) of section 111, as amended by sub-

1 section (a)(1), is further amended by inserting after the
2 first sentence the following new sentence: “Actual nec-
3 essary expense of travel includes the reasonable costs of
4 airfare if travel by air is the only practical way to reach
5 a Department facility.”.

6 (c) ELIMINATION OF LIMITATION BASED ON MAX-
7 IMUM ANNUAL RATE OF PENSION.—Subsection
8 (b)(1)(D)(i) of such section is amended by inserting “who
9 is not traveling by air and” before “whose annual”.

10 (d) DETERMINATION OF PRACTICALITY.—Subsection
11 (b) of such section is amended by adding at the end the
12 following new paragraph:

13 “(4) In determining for purposes of subsection (a)
14 whether travel by air is the only practical way for a vet-
15 eran to reach a Department facility, the Secretary shall
16 consider the medical condition of the veteran and any
17 other impediments to the use of ground transportation by
18 the veteran.”.

19 (e) NO EXPANSION OF ELIGIBILITY FOR BENE-
20 FICIARY TRAVEL.—The amendments made by subsections
21 (b) and (d) of this section may not be construed as ex-
22 panding or otherwise modifying eligibility for payments or
23 allowances for beneficiary travel under section 111 of title
24 38, United States Code, as in effect on the day before
25 the date of the enactment of this Act.

1 (f) CLARIFICATION OF RELATION TO PUBLIC TRANS-
2 PORTATION IN VETERANS HEALTH ADMINISTRATION
3 HANDBOOK.—Not later than 30 days after the date of the
4 enactment of this Act, the Secretary of Veterans Affairs
5 shall revise the Veterans Health Administration Handbook
6 to clarify that an allowance for travel based on mileage
7 paid under section 111(a) of title 38, United States Code,
8 may exceed the cost of such travel by public transportation
9 regardless of medical necessity.

10 **SEC. 309. OFFICE OF RURAL HEALTH FIVE-YEAR STRA-**
11 **TEGIC PLAN.**

12 (a) STRATEGIC PLAN.—Not later than 180 days after
13 the date of the enactment of this Act, the Director of the
14 Office of Rural Health of the Department of Veterans Af-
15 fairs shall develop a five-year strategic plan for the Office
16 of Rural Health.

17 (b) CONTENTS.—The plan required by subsection (a)
18 shall include the following:

19 (1) Specific goals for the recruitment and reten-
20 tion of health care personnel in rural areas, devel-
21 oped in conjunction with the Director of the Health
22 Care Retention and Recruitment Office of the De-
23 partment of Veterans Affairs.

24 (2) Specific goals for ensuring the timeliness
25 and quality of health care delivery in rural commu-

1 nities that are reliant on contract and fee-basis care,
 2 developed in conjunction with the Director of the Of-
 3 fice of Quality and Performance of the Department.

4 (3) Specific goals for the expansion and imple-
 5 mentation of telemedicine services in rural areas, de-
 6 veloped in conjunction with the Director of the Of-
 7 fice of Care Coordination Services of the Depart-
 8 ment.

9 (4) Incremental milestones describing specific
 10 actions to be taken for the purpose of achieving the
 11 goals specified under paragraphs (1) through (3).

12 **SEC. 310. OVERSIGHT OF CONTRACT AND FEE-BASIS CARE.**

13 (a) IN GENERAL.—Subchapter I of chapter 17 is
 14 amended by inserting after section 1703 the following new
 15 section:

16 **“§ 1703A. Oversight of contract and fee-basis care**

17 “(a) RURAL OUTREACH COORDINATORS.—The Sec-
 18 retary shall designate a rural outreach coordinator at each
 19 Department community based outpatient clinic at which
 20 not less than 50 percent of the veterans enrolled at such
 21 clinic reside in a highly rural area. The coordinator at a
 22 clinic shall be responsible for coordinating care and col-
 23 laborating with community contract and fee-basis pro-
 24 viders with respect to the clinic.

1 “(b) INCENTIVES TO OBTAIN ACCREDITATION OF
2 MEDICAL PRACTICE.—(1) The Secretary shall adjust the
3 fee-basis compensation of providers of health care services
4 under the Department to encourage such providers to ob-
5 tain accreditation of their medical practice from recog-
6 nized accrediting entities.

7 “(2) In making adjustments under paragraph (1), the
8 Secretary shall consider the increased overhead costs of
9 accreditation described in paragraph (1) and the costs of
10 achieving and maintaining such accreditation.

11 “(c) INCENTIVES FOR PARTICIPATION IN PEER RE-
12 VIEW.—(1) The Secretary shall adjust the fee-basis com-
13 pensation of providers of health care services under the
14 Department that do not provide such services as part of
15 a medical practice accredited by a recognized accrediting
16 entity to encourage such providers to participate in peer
17 review under subsection (e).

18 “(2) The Secretary shall provide incentives under
19 paragraph (1) to a provider of health care services under
20 the Department in an amount which may reasonably be
21 expected (as determined by the Secretary) to encourage
22 participation in the voluntary peer review under subsection
23 (d).

24 “(d) PEER REVIEW.—(1) The Secretary shall provide
25 for the voluntary peer review of providers of health care

1 services under the Department who provide such services
2 on a fee basis as part of a medical practice that is not
3 accredited by a recognized accrediting entity.

4 “(2) Each year, beginning with the first fiscal year
5 beginning after the date of the enactment of this section,
6 the Chief Quality and Performance Officer in each Vet-
7 erans Integrated Services Network (VISN) shall select a
8 sample of patient records from each participating provider
9 in the Officer’s Veterans Integrated Services Network to
10 be peer reviewed by a facility designated under paragraph
11 (3).

12 “(3) The Chief Quality and Performance Officer in
13 each Veterans Integrated Services Network shall designate
14 Department facilities in such network for the peer review
15 of patient records submitted under this subsection.

16 “(4) Each year, beginning with the first fiscal year
17 beginning after the date of the enactment of this section,
18 each provider who elects to participate in the program
19 shall submit the patient records selected under paragraph
20 (2) to a facility selected under paragraph (3) to be peer
21 reviewed by such facility.

22 “(5) Each Department facility designated under
23 paragraph (3) that receives patient records under para-
24 graph (4) shall—

1 “(A) peer review such records in accordance
2 with policies and procedures established by the Sec-
3 retary;

4 “(B) ensure that peer reviews are evaluated by
5 the Peer Review Committee; and

6 “(C) develop a mechanism for notifying the
7 Under Secretary for Health of problems identified
8 through such peer review.

9 “(6) The Under Secretary for Health shall develop
10 a mechanism by which the use of fee-basis providers of
11 health care are terminated when quality of care concerns
12 are identified with respect to such providers.

13 “(7) The Chief Quality and Performance Officer in
14 each Veterans Integrated Services Network shall be re-
15 sponsible for the oversight of the program of peer review
16 under this subsection in that network.”.

17 (b) CLERICAL AMENDMENT.—The table of sections
18 at the beginning of chapter 17 is amended by inserting
19 after the item related to section 1703 the following new
20 item:

 “1703A. Oversight of contract and fee-basis care.”.

21 **SEC. 311. ENHANCEMENT OF VET CENTERS TO MEET**
22 **NEEDS OF VETERANS OF OPERATION IRAQI**
23 **FREEDOM AND OPERATION ENDURING FREE-**
24 **DOM.**

25 (a) VOLUNTEER COUNSELORS.—

1 (1) IN GENERAL.—Subsection (c) of section
2 1712A is amended—

3 (A) by striking “The Under Secretary”
4 and inserting “(1) The Under Secretary”;

5 (B) in paragraph (1), as designated by
6 paragraph (1), by striking “, and, in carrying”
7 and all that follows through “screening activi-
8 ties”; and

9 (C) by adding at the end the following new
10 paragraphs:

11 “(2) In carrying out this section, the Under Secretary
12 may utilize the services of the following:

13 “(A) Paraprofessionals, individuals who are vol-
14 unteers working without compensation, and individ-
15 uals who are veteran-students (as described in sec-
16 tion 3485 of this title) in initial intake and screening
17 activities.

18 “(B) Eligible volunteer counselors in the provi-
19 sion of counseling and related mental health serv-
20 ices.

21 “(3) For purposes of this subsection, an eligible vol-
22 unteer counselor is an individual—

23 “(A) who—

24 “(i) provides counseling services without
25 compensation at a center;

1 “(ii) is a licensed psychologist or social
2 worker;

3 “(iii) has never been named in a tort claim
4 arising from professional activities; and

5 “(iv) has never had, and has no pending,
6 disciplinary action taken with respect to any li-
7 cense or certification qualifying that individual
8 to provide counseling services; or

9 “(B) who is otherwise credentialed and privi-
10 leged to perform counseling services by the Sec-
11 retary.

12 “(4) Eligible volunteer counselors shall be issued cre-
13 dentials and privileges for the provision of counseling and
14 related mental health services under this section on an ex-
15 pedited basis in accordance with such procedures as the
16 Secretary shall establish. Such procedures shall provide
17 for the completion by the Secretary of the processing of
18 an application for such credentials and privileges not later
19 than 60 days after receipt of the application.”.

20 (2) PROCEDURES FOR ISSUING CREDENTIALS
21 AND PRIVILEGES TO VOLUNTEER COUNSELORS.—

22 Not later than one year after the date of the enact-
23 ment of this Act, the Secretary of Veterans Affairs
24 shall establish the procedures described in section
25 1712A(c)(4), as added by paragraph (1).

1 (b) OUTREACH.—Subsection (e) of such section is
2 amended—

3 (1) by striking “The Secretary” and inserting
4 “(1) The Secretary”; and

5 (2) by adding at the end the following new
6 paragraph:

7 “(2) Each center shall develop an outreach plan to
8 ensure that the community served by the center is aware
9 of the services offered by the center.”.

10 **SEC. 312. CENTERS OF EXCELLENCE FOR RURAL HEALTH**
11 **RESEARCH, EDUCATION, AND CLINICAL AC-**
12 **TIVITIES.**

13 (a) IN GENERAL.—Subchapter II of chapter 73, as
14 amended by section 307 of this Act, is further amended
15 by adding at the end the following new section:

16 **“§ 7330C. Centers of excellence for rural health re-**
17 **search, education, and clinical activities**

18 “(a) ESTABLISHMENT OF CENTERS.—The Secretary,
19 through the Director of the Office of Rural Health, shall
20 establish and operate at least one and not more than five
21 centers of excellence for rural health research, education,
22 and clinical activities, which shall—

23 “(1) conduct research on the furnishing of
24 health services in rural areas;

1 “(2) develop specific models to be used by the
2 Department in furnishing health services to veterans
3 in rural areas;

4 “(3) provide education and training for health
5 care professionals of the Department on the fur-
6 nishing of health services to veterans in rural areas;
7 and

8 “(4) develop and implement innovative clinical
9 activities and systems of care for the Department
10 for the furnishing of health services to veterans in
11 rural areas.

12 “(b) USE OF RURAL HEALTH RESOURCE CEN-
13 TERS.—In selecting locations for the establishment of cen-
14 ters of excellence under subsection (a), the Secretary may
15 select a rural health resource center that meets the re-
16 quirements of subsection (a).

17 “(c) GEOGRAPHIC DISPERSION.—The Secretary shall
18 ensure that the centers established under this section are
19 located at health care facilities that are geographically dis-
20 persed throughout the United States.

21 “(d) FUNDING.—(1) There are authorized to be ap-
22 propriated to the Medical Care Account and the Medical
23 and Prosthetics Research Account of the Department of
24 Veterans Affairs such sums as may be necessary for the

1 support of the research and education activities of the cen-
 2 ters operated under this section.

3 “(2) There shall be allocated to the centers operated
 4 under this section, from amounts authorized to be appro-
 5 priated to the Medical Care Account and the Medical and
 6 Prosthetics Research Account by paragraph (1), such
 7 amounts as the Under Secretary of health considers ap-
 8 propriate for such centers. Such amounts shall be allo-
 9 cated through the Director of the Office of Rural Health.

10 “(3) Activities of clinical and scientific investigation
 11 at each center operated under this section—

12 “(A) shall be eligible to compete for the award
 13 of funding from funds appropriated for the Medical
 14 and Prosthetics Research Account; and

15 “(B) shall receive priority in the award of fund-
 16 ing from such account to the extent that funds are
 17 awarded to projects for research in the care of rural
 18 veterans.”.

19 (b) CLERICAL AMENDMENT.—The table of sections
 20 at the beginning of chapter 73, as amended by section 307
 21 of this Act, is further amended by inserting after the item
 22 relating to section 7330B the following new item:

“7330C. Centers of excellence for rural health research, education, and clinical
 activities.”.

1 **SEC. 313. PILOT PROGRAM ON INCENTIVES FOR PHYSI-**
2 **CIANS WHO ASSUME INPATIENT RESPON-**
3 **SIBILITIES AT COMMUNITY HOSPITALS IN**
4 **HEALTH PROFESSIONAL SHORTAGE AREAS.**

5 (a) PILOT PROGRAM REQUIRED.—The Secretary of
6 Veterans Affairs shall carry out a pilot program to assess
7 the feasibility and advisability of each of the following:

8 (1) The provision of financial incentives to eligi-
9 ble physicians who obtain and maintain inpatient
10 privileges at community hospitals in health profes-
11 sional shortage areas in order to facilitate the provi-
12 sion by such physicians of primary care and mental
13 health services to veterans at such hospitals.

14 (2) The collection of payments from third-party
15 providers for care provided by eligible physicians to
16 nonveterans while discharging inpatient responsibil-
17 ities at community hospitals in the course of exer-
18 cising the privileges described in paragraph (1).

19 (b) ELIGIBLE PHYSICIANS.—For purposes of this
20 section, an eligible physician is a primary care or mental
21 health physician employed by the Department of Veterans
22 Affairs on a full-time basis.

23 (c) DURATION OF PROGRAM.—The pilot program
24 shall be carried out during the three-year period beginning
25 on the date of the commencement of the pilot program.

26 (d) LOCATIONS.—

1 (1) IN GENERAL.—The pilot program shall be
 2 carried out at not less than five community hospitals
 3 in each of not less than two Veterans Integrated
 4 Services Networks (VISNs). The hospitals shall be
 5 selected by the Secretary utilizing the results of the
 6 survey required under subsection (e).

7 (2) QUALIFYING COMMUNITY HOSPITALS.—A
 8 community hospital may be selected by the Secretary
 9 as a location for the pilot program if—

10 (A) the hospital is located in a health pro-
 11 fessional shortage area; and

12 (B) the number of eligible physicians will-
 13 ing to assume inpatient responsibilities at the
 14 hospital (as determined utilizing the result of
 15 the survey) is sufficient for purposes of the
 16 pilot program.

17 (e) SURVEY OF PHYSICIAN INTEREST IN PARTICIPA-
 18 TION.—

19 (1) IN GENERAL.—Not later than 120 days
 20 after the date of the enactment of this Act, the Sec-
 21 retary shall conduct a survey of eligible physicians to
 22 determine the extent of the interest of such physi-
 23 cians in participating in the pilot program.

24 (2) ELEMENTS.—The survey shall disclose the
 25 type, amount, and nature of the financial incentives

1 to be provided under subsection (h) to physicians
 2 participating in the pilot program.

3 (f) PHYSICIAN PARTICIPATION.—

4 (1) IN GENERAL.—The Secretary shall select
 5 physicians for participation in the pilot program
 6 from among eligible physicians who—

7 (A) express interest in participating in the
 8 pilot program in the survey conducted under
 9 subsection (e);

10 (B) are in good standing with the Depart-
 11 ment; and

12 (C) primarily have clinical responsibilities
 13 with the Department.

14 (2) VOLUNTARY PARTICIPATION.—Participation
 15 in the pilot program shall be voluntary. Nothing in
 16 this section shall be construed to require a physician
 17 working for the Department to assume inpatient re-
 18 sponsibilities at a community hospital unless other-
 19 wise required as a term or condition of employment
 20 with the Department.

21 (g) ASSUMPTION OF INPATIENT PHYSICIAN RESPON-
 22 SIBILITIES.—

23 (1) IN GENERAL.—Each eligible physician se-
 24 lected for participation in the pilot program shall as-
 25 sume and maintain inpatient responsibilities, includ-

ing inpatient responsibilities with respect to non-veterans, at one or more community hospitals selected by the Secretary for participation in the pilot program under subsection (d).

(2) COVERAGE UNDER FEDERAL TORT CLAIMS ACT.—If an eligible physician participating in the pilot program carries out on-call responsibilities at a community hospital where privileges to practice at such hospital are conditioned upon the provision of services to individuals who are not veterans while the physician is on call for such hospital, the provision of such services by the physician shall be considered an action within the scope of the physician’s office or employment for purposes of chapter 171 of title 28, United States Code (commonly referred to as the “Federal Tort Claims Act”).

(h) COMPENSATION.—

(1) IN GENERAL.—The Secretary shall provide each eligible physician participating in the pilot program with such compensation (including pay and other appropriate compensation) as the Secretary considers appropriate to compensate such physician for the discharge of any inpatient responsibilities by such physician at a community hospital for which such physician would not otherwise be compensated

1 by the Department as a full-time employee of the
2 Department.

3 (2) WRITTEN AGREEMENT.—The amount of
4 any compensation to be provided a physician under
5 the pilot program shall be specified in a written
6 agreement entered into by the Secretary and the
7 physician for purposes of the pilot program.

8 (3) TREATMENT OF COMPENSATION.—The Sec-
9 retary shall consult with the Director of the Office
10 of Personnel Management on the inclusion of a pro-
11 vision in the written agreement required under para-
12 graph (2) that describes the treatment under Fed-
13 eral law of any compensation provided a physician
14 under the pilot program, including treatment for
15 purposes of retirement under the civil service laws.

16 (i) COLLECTIONS FROM THIRD PARTIES.—In car-
17 rying out the pilot program for the purpose described in
18 subsection (a)(2), the Secretary shall implement a variety
19 and range of requirements and mechanisms for the collec-
20 tion from third-party payors of amounts to reimburse the
21 Department for health care services provided to non-
22 veterans under the pilot program by eligible physicians
23 discharging inpatient responsibilities under the pilot pro-
24 gram.

1 (j) INPATIENT RESPONSIBILITIES DEFINED.—In this
2 section, the term “inpatient responsibilities” means on-call
3 responsibilities customarily required of a physician by a
4 community hospital as a condition of granting privileges
5 to the physician to practice in the hospital.

6 (k) REPORT.—Not later than one year after the date
7 of the enactment of this Act and annually thereafter, the
8 Secretary shall submit to Congress a report on the pilot
9 program, including the following:

10 (1) The findings of the Secretary with respect
11 to the pilot program.

12 (2) The number of veterans and nonveterans
13 provided inpatient care by physicians participating
14 in the pilot program.

15 (3) The amounts collected and payable under
16 subsection (i).

17 (l) HEALTH PROFESSIONAL SHORTAGE AREA DE-
18 FINED.—In this section, the term “health professional
19 shortage area” has the meaning given the term in section
20 332(a) of the Public Health Service Act (42 U.S.C.
21 254e(a)).

1 **SEC. 314. ANNUAL REPORT ON MATTERS RELATED TO**
2 **CARE FOR VETERANS WHO LIVE IN RURAL**
3 **AREAS.**

4 (a) ANNUAL REPORT.—The Secretary of Veterans
5 Affairs shall submit to Congress each year, together with
6 documents submitted to Congress in support of the budget
7 of the President for the fiscal year beginning in such year
8 (as submitted pursuant to section 1105 of title 31, United
9 States Code), an assessment, current as of the fiscal year
10 ending in the year before such report is submitted, of the
11 following:

12 (1) The implementation of the provisions of sec-
13 tions 209 through 213, including the amendments
14 made by such sections.

15 (2) The establishment and functions of the Of-
16 fice of Rural Health under section 7308 of title 38,
17 United States Code.

18 (b) ADDITIONAL REQUIREMENTS FOR INITIAL RE-
19 PORT.—The first report submitted under subsection (a)
20 shall also include the following:

21 (1) The assessment of fee-basis health-care pro-
22 gram required by section 212(b) of the Veterans
23 Benefits, Health Care, and Information Technology
24 Act of 2006 (Public Law 109–461; 120 Stat. 3422).

1 (2) An assessment of the outreach program re-
2 quired by section 213 of such Act (120 Stat. 3422;
3 38 U.S.C. 6303 note).

4 **SEC. 315. TRANSPORTATION GRANTS FOR RURAL VET-**
5 **ERANS SERVICE ORGANIZATIONS.**

6 (a) GRANTS AUTHORIZED.—

7 (1) IN GENERAL.—The Secretary of Veterans
8 Affairs shall establish a grant program to provide in-
9 novative transportation options to veterans in highly
10 rural areas.

11 (2) ELIGIBLE RECIPIENTS.—The following may
12 be awarded a grant under this section:

13 (A) State veterans service agencies.

14 (B) Veterans service organizations.

15 (3) USE OF FUNDS.—A State veterans service
16 agency or veterans service organization awarded a
17 grant under this section may use the grant amount
18 to—

19 (A) assist veterans in highly rural areas to
20 travel to Department of Veterans Affairs med-
21 ical centers; and

22 (B) otherwise assist in providing medical
23 care to veterans in highly rural areas.

24 (4) MAXIMUM AMOUNT.—The amount of a
25 grant under this section may not exceed \$50,000.

1 (5) NO MATCHING REQUIREMENT.—The recipi-
2 ent of a grant under this section shall not be re-
3 quired to provide matching funds as a condition for
4 receiving such grant.

5 (b) REGULATIONS.—The Secretary shall prescribe
6 regulations for—

7 (1) evaluating grant applications under this sec-
8 tion; and

9 (2) otherwise administering the program estab-
10 lished by this section.

11 (c) DEFINITIONS.—In this section:

12 (1) HIGHLY RURAL.—The term “highly rural”,
13 in the case of an area, means that the area consists
14 of a county or counties having a population of less
15 than seven persons per square mile.

16 (2) VETERANS SERVICE ORGANIZATION.—The
17 term “veterans service organization” means any or-
18 ganization recognized by the Secretary of Veterans
19 Affairs for the representation of veterans under sec-
20 tion 5902 of title 38, United States Code.

21 (d) AUTHORIZATION OF APPROPRIATIONS.—There
22 are authorized to be appropriated \$3,000,000 for each of
23 fiscal years 2010 through 2014 to carry out this section.

1 **SEC. 316. MODIFICATION OF ELIGIBILITY FOR PARTICIPA-**
2 **TION IN PILOT PROGRAM OF ENHANCED**
3 **CONTRACT CARE AUTHORITY FOR HEALTH**
4 **CARE NEEDS OF CERTAIN VETERANS.**

5 Section 403(b) of the Veterans' Mental Health and
6 other Care Improvements Act of 2008 (Public Law 110–
7 387; 122 Stat. 4125; 38 U.S.C. 1703 note) is amended
8 to read as follows:

9 “(b) COVERED VETERANS.—For purposes of the
10 pilot program under this section, a covered veteran is any
11 veteran who—

12 “(1) is—

13 “(A) enrolled in the system of patient en-
14 rollment established under section 1705(a) of
15 title 38, United States Code, as of the date of
16 the commencement of the pilot program under
17 subsection (a)(2); or

18 “(B) eligible for health care under section
19 1710(e)(3)(C) of title 38, United States Code;
20 and

21 “(2) resides in a location that is—

22 “(A) more than 60 minutes driving dis-
23 tance from the nearest Department health care
24 facility providing primary care services, if the
25 veteran is seeking such services;

1 “(B) more than 120 minutes driving dis-
 2 tance from the nearest Department health care
 3 facility providing acute hospital care, if the vet-
 4 eran is seeking such care; or

5 “(C) more than 240 minutes driving dis-
 6 tance from the nearest Department health care
 7 facility providing tertiary care, if the veteran is
 8 seeking such care.”.

9 **TITLE IV—MENTAL HEALTH** 10 **CARE MATTERS**

11 **SEC. 401. ELIGIBILITY OF MEMBERS OF THE ARMED**
 12 **FORCES WHO SERVE IN OPERATION IRAQI**
 13 **FREEDOM OR OPERATION ENDURING FREE-**
 14 **DOM FOR COUNSELING AND SERVICES**
 15 **THROUGH READJUSTMENT COUNSELING**
 16 **SERVICE.**

17 (a) IN GENERAL.—Any member of the Armed
 18 Forces, including a member of the National Guard or Re-
 19 serve, who serves on active duty in the Armed Forces in
 20 Operation Iraqi Freedom or Operation Enduring Freedom
 21 is eligible for readjustment counseling and related mental
 22 health services under section 1712A of title 38, United
 23 States Code, through the Readjustment Counseling Serv-
 24 ice of the Veterans Health Administration.

1 (b) NO REQUIREMENT FOR CURRENT ACTIVE DUTY
 2 SERVICE.—A member of the Armed Forces who meets the
 3 requirements for eligibility for counseling and services
 4 under subsection (a) is entitled to counseling and services
 5 under that subsection regardless of whether or not the
 6 member is currently on active duty in the Armed Forces
 7 at the time of receipt of counseling and services under that
 8 subsection.

9 (c) REGULATIONS.—The eligibility of members of the
 10 Armed Forces for counseling and services under sub-
 11 section (a) shall be subject to such regulations as the Sec-
 12 retary of Defense and the Secretary of Veterans Affairs
 13 shall jointly prescribe for purposes of this section.

14 (d) SUBJECT TO AVAILABILITY OF APPROPRIA-
 15 TIONS.—The provision of counseling and services under
 16 subsection (a) shall be subject to the availability of appro-
 17 priations for such purpose.

18 **SEC. 402. RESTORATION OF AUTHORITY OF READJUST-**
 19 **MENT COUNSELING SERVICE TO PROVIDE**
 20 **REFERRAL AND OTHER ASSISTANCE UPON**
 21 **REQUEST TO FORMER MEMBERS OF THE**
 22 **ARMED FORCES NOT AUTHORIZED COUN-**
 23 **SELING.**

24 Section 1712A is amended—

1 (1) by redesignating subsections (c) through (f)
2 as subsections (d) through (g), respectively; and

3 (2) by inserting after subsection (b) the fol-
4 lowing new subsection (c):

5 “(c) Upon receipt of a request for counseling under
6 this section from any individual who has been discharged
7 or released from active military, naval, or air service but
8 who is not otherwise eligible for such counseling, the Sec-
9 retary shall—

10 “(1) provide referral services to assist such in-
11 dividual, to the maximum extent practicable, in ob-
12 taining mental health care and services from sources
13 outside the Department; and

14 “(2) if pertinent, advise such individual of such
15 individual’s rights to apply to the appropriate mili-
16 tary, naval, or air service, and to the Department,
17 for review of such individual’s discharge or release
18 from such service.”.

19 **SEC. 403. STUDY ON SUICIDES AMONG VETERANS.**

20 (a) **STUDY REQUIRED.**—The Secretary of Veterans
21 Affairs shall conduct a study to determine the number of
22 veterans who died by suicide between January 1, 1999,
23 and the date of the enactment of this Act.

1 (b) COORDINATION.—In carrying out the study under
 2 subsection (a) the Secretary of Veterans Affairs shall co-
 3 ordinate with—

4 (1) the Secretary of Defense;

5 (2) Veterans Service Organizations;

6 (3) the Centers for Disease Control and Preven-
 7 tion; and

8 (4) State public health offices and veterans
 9 agencies.

10 (c) REPORT TO CONGRESS.—The Secretary of Vet-
 11 erans Affairs shall submit to the Committee on Veterans'
 12 Affairs of the Senate and the Committee on Veterans' Af-
 13 fairs of the House of Representatives a report on the study
 14 required under subsection (a) and the findings of the Sec-
 15 retary.

16 (d) AUTHORIZATION OF APPROPRIATIONS.—There
 17 are authorized to be appropriated such sums as may be
 18 necessary to carry out this section.

19 **SEC. 404. TRANSFER OF FUNDS TO SECRETARY OF HEALTH**
 20 **AND HUMAN SERVICES FOR GRADUATE PSY-**
 21 **CHOLOGY EDUCATION PROGRAM.**

22 (a) TRANSFER OF FUNDS.—Not later than Sep-
 23 tember 30, 2010, the Secretary of Veterans Affairs shall
 24 transfer \$5,000,000 from accounts of the Veterans Health
 25 Administration to the Secretary of Health and Human

1 Services for the Graduate Psychology Education program
 2 established under section 755(b)(1)(J) of the Public
 3 Health Service Act (42 U.S.C. 294e(b)(1)(J)).

4 (b) USE OF FUNDS TRANSFERRED.—Funds trans-
 5 ferred under subsection (a) shall be used to award grants
 6 to support the training of psychologists in the treatment
 7 of veterans with post traumatic stress disorder, traumatic
 8 brain injury, and other combat-related disorders.

9 (c) PREFERENCE FOR DEPARTMENT OF VETERANS
 10 AFFAIRS HEALTH CARE FACILITIES.—In the awarding of
 11 grants under subsection (b), the Graduate Psychology
 12 Education program shall give preference to health care fa-
 13 cilities of the Department of Veterans Affairs and grad-
 14 uate programs of education that are affiliated with such
 15 facilities.

16 **TITLE V—OTHER HEALTH CARE** 17 **MATTERS**

18 **SEC. 501. REPEAL OF CERTAIN ANNUAL REPORTING RE-** 19 **QUIREMENTS.**

20 (a) NURSE PAY REPORT.—Section 7451 is amend-
 21 ed—

22 (1) by striking subsection (f); and

23 (2) by redesignating subsection (g) as sub-
 24 section (f).

25 (b) LONG-TERM PLANNING REPORT.—

1 (1) IN GENERAL.—Section 8107 is repealed.

2 (2) CONFORMING AMENDMENT.—The table of
3 sections at the beginning of chapter 81 is amended
4 by striking the item relating to section 8107.

5 **SEC. 502. MODIFICATIONS TO ANNUAL GULF WAR RE-**
6 **SEARCH REPORT.**

7 Section 707(c)(1) of the Persian Gulf War Veterans'
8 Health Status Act (title VII of Public Law 102–585; 38
9 U.S.C. 527 note) is amended by striking “Not later than
10 March 1 of each year” and inserting “Not later than July
11 1, 2010, and July 1 of each of the five following years”.

12 **SEC. 503. PAYMENT FOR CARE FURNISHED TO CHAMPVA**
13 **BENEFICIARIES.**

14 Section 1781 is amended at the end by adding the
15 following new subsection:

16 “(e) Payment by the Secretary under this section on
17 behalf of a covered beneficiary for medical care shall con-
18 stitute payment in full and extinguish any liability on the
19 part of the beneficiary for that care.”.

20 **SEC. 504. DISCLOSURES FROM CERTAIN MEDICAL**
21 **RECORDS.**

22 Section 7332(b)(2) is amended by adding at the end
23 the following new subparagraph:

24 “(F)(i) To a representative of a patient who
25 lacks decision-making capacity, when a practitioner

1 deems the content of the given record necessary for
 2 that representative to make an informed decision re-
 3 garding the patient's treatment.

4 “(ii) In this subparagraph, the term ‘represent-
 5 ative’ means an individual, organization, or other
 6 body authorized under section 7331 of this title and
 7 its implementing regulations to give informed con-
 8 sent on behalf of a patient who lacks decision-mak-
 9 ing capacity.”.

10 **SEC. 505. DISCLOSURE TO SECRETARY OF HEALTH-PLAN**
 11 **CONTRACT INFORMATION AND SOCIAL SECU-**
 12 **RITY NUMBER OF CERTAIN VETERANS RE-**
 13 **CEIVING CARE.**

14 (a) IN GENERAL.—Subchapter I of chapter 17 is
 15 amended by adding at the end the following new section:

16 **“§ 1709. Disclosure to Secretary of health-plan con-**
 17 **tract information and social security**
 18 **number of certain veterans receiving**
 19 **care**

20 “(a) REQUIRED DISCLOSURE OF HEALTH-PLAN
 21 CONTRACTS.—(1) Any individual who applies for or is in
 22 receipt of care described in paragraph (2) shall, at the
 23 time of such application, or otherwise when requested by
 24 the Secretary, submit to the Secretary such current infor-
 25 mation as the Secretary may require to identify any

1 health-plan contract (as defined in section 1729(i) of this
 2 title) under which such individual is covered, to include,
 3 as applicable—

4 “(A) the name, address, and telephone number
 5 of such health-plan contract;

6 “(B) the name of the individual’s spouse, if the
 7 individual’s coverage is under the spouse’s health-
 8 plan contract;

9 “(C) the plan number; and

10 “(D) the plan’s group code.

11 “(2) The care described in this paragraph is—

12 “(A) hospital, nursing home, or domiciliary
 13 care;

14 “(B) medical, rehabilitative, or preventive
 15 health services; or

16 “(C) other medical care under laws adminis-
 17 tered by the Secretary.

18 “(b) REQUIRED DISCLOSURE OF SOCIAL SECURITY
 19 NUMBER.—(1) Any individual who applies for or is in re-
 20 ceipt of care described in paragraph (2) shall, at the time
 21 of such application, or otherwise when requested by the
 22 Secretary, submit to the Secretary—

23 “(A) the individual’s social security number;
 24 and

1 “(B) the social security number of any depend-
2 ent or Department beneficiary on whose behalf, or
3 based upon whom, such individual applies for or is
4 in receipt of such care.

5 “(2) The care described in this paragraph is—

6 “(A) hospital, nursing home, or domiciliary
7 care;

8 “(B) medical, rehabilitative, or preventive
9 health services; or

10 “(C) other medical care under laws adminis-
11 tered by the Secretary.

12 “(3) This subsection does not require an individual
13 to furnish the Secretary with a social security number for
14 any individual to whom a social security number has not
15 been assigned.

16 “(c) FAILURE TO DISCLOSE SOCIAL SECURITY NUM-
17 BER.—(1) The Secretary shall deny an individual’s appli-
18 cation for, or may terminate an individual’s enrollment in,
19 the system of patient enrollment established by the Sec-
20 retary under section 1705 of this title, if such individual
21 does not provide the social security number required or
22 requested to be submitted pursuant to subsection (b).

23 “(2) Following a denial or termination under para-
24 graph (1) with respect to an individual, the Secretary may,
25 upon receipt of the information required or requested

1 under subsection (b), approve such individual's application
 2 or reinstate such individual's enrollment (if otherwise in
 3 order), for such medical care and services provided on and
 4 after the date of such receipt of information.

5 “(d) CONSTRUCTION.—Nothing in this section shall
 6 be construed as authority to deny medical care and treat-
 7 ment to an individual in a medical emergency.”.

8 (b) CLERICAL AMENDMENT.—The table of sections
 9 at the beginning of such chapter 17 is amended by insert-
 10 ing after the item relating to section 1708 the following
 11 new item:

“1709. Disclosure to Secretary of health-plan contract information and social se-
 curity number of certain veterans receiving care.”.

12 **SEC. 506. ENHANCEMENT OF QUALITY MANAGEMENT.**

13 (a) ENHANCEMENT OF QUALITY MANAGEMENT
 14 THROUGH QUALITY MANAGEMENT OFFICERS.—

15 (1) IN GENERAL.—Subchapter II of chapter 73
 16 is amended by inserting after section 7311 the fol-
 17 lowing new section:

18 **“§ 7311A. Quality management officers**

19 “(a) NATIONAL QUALITY MANAGEMENT OFFICER.—

20 (1) The Under Secretary for Health shall designate an of-
 21 ficial of the Veterans Health Administration to act as the
 22 principal quality management officer for the quality-assur-
 23 ance program required by section 7311 of this title. The
 24 official so designated may be known as the ‘National Qual-

1 ity Management Officer of the Veterans Health Adminis-
2 tration' (in this section referred to as the 'National Qual-
3 ity Management Officer').

4 “(2) The National Quality Management Officer shall
5 report directly to the Under Secretary for Health in the
6 discharge of responsibilities and duties of the Officer
7 under this section.

8 “(3) The National Quality Management Officer shall
9 be the official within the Veterans Health Administration
10 who is principally responsible for the quality-assurance
11 program referred to in paragraph (1). In carrying out that
12 responsibility, the Officer shall be responsible for the fol-
13 lowing:

14 “(A) Establishing and enforcing the require-
15 ments of the program referred to in paragraph (1).

16 “(B) Developing an aggregate quality metric
17 from existing data sources, such as the Inpatient
18 Evaluation Center of the Department, the National
19 Surgical Quality Improvement Program, and the Ex-
20 ternal Peer Review Program of the Veterans Health
21 Administration, that could be used to assess reliably
22 the quality of care provided at individual Depart-
23 ment medical centers and associated community
24 based outpatient clinics.

1 “(C) Ensuring that existing measures of qual-
2 ity, including measures from the Inpatient Evalua-
3 tion Center, the National Surgical Quality Improve-
4 ment Program, System-Wide Ongoing Assessment
5 and Review reports of the Department, and Com-
6 bined Assessment Program reviews of the Office of
7 Inspector General of the Department, are monitored
8 routinely and analyzed in a manner that ensures the
9 timely detection of quality of care issues.

10 “(D) Encouraging research and development in
11 the area of quality metrics for the purposes of im-
12 proving how the Department measures quality in in-
13 dividual facilities.

14 “(E) Carrying out such other responsibilities
15 and duties relating to quality management in the
16 Veterans Health Administration as the Under Sec-
17 retary for Health shall specify.

18 “(4) The requirements under paragraph (3) shall in-
19 clude requirements regarding the following:

20 “(A) A confidential system for the submittal of
21 reports by Veterans Health Administration per-
22 sonnel regarding quality management at Department
23 facilities.

1 “(B) Mechanisms for the peer review of the ac-
2 tions of individuals appointed in the Veterans Health
3 Administration in the position of physician.

4 “(b) QUALITY MANAGEMENT OFFICERS FOR
5 VISNS.—(1) The Regional Director of each Veterans In-
6 tegrated Services Network (VISN) shall appoint an official
7 of the Network to act as the quality management officer
8 of the Network.

9 “(2) The quality management officer for a Veterans
10 Integrated Services Network shall report to the Regional
11 Director of the Veterans Integrated Services Network, and
12 to the National Quality Management Officer, regarding
13 the discharge of the responsibilities and duties of the offi-
14 cer under this section.

15 “(3) The quality management officer for a Veterans
16 Integrated Services Network shall—

17 “(A) direct the quality management office in
18 the Network; and

19 “(B) coordinate, monitor, and oversee the qual-
20 ity management programs and activities of the Ad-
21 ministration medical facilities in the Network in
22 order to ensure the thorough and uniform discharge
23 of quality management requirements under such
24 programs and activities throughout such facilities.

1 “(c) QUALITY MANAGEMENT OFFICERS FOR MED-
2 ICAL FACILITIES.—(1) The director of each Veterans
3 Health Administration medical facility shall appoint a
4 quality management officer for that facility.

5 “(2) The quality management officer for a facility
6 shall report directly to the director of the facility, and to
7 the quality management officer of the Veterans Integrated
8 Services Network in which the facility is located, regarding
9 the discharge of the responsibilities and duties of the qual-
10 ity management officer under this section.

11 “(3) The quality management officer for a facility
12 shall be responsible for designing, disseminating, and im-
13 plementing quality management programs and activities
14 for the facility that meet the requirements established by
15 the National Quality Management Officer under sub-
16 section (a).

17 “(d) AUTHORIZATION OF APPROPRIATIONS.—(1) Ex-
18 cept as provided in paragraph (2), there are authorized
19 to be appropriated such sums as may be necessary to carry
20 out this section.

21 “(2) There are authorized to be appropriated to carry
22 out the provisions of subparagraphs (B), (C), and (D) of
23 subsection (a)(3), \$25,000,000 for the two-year period of
24 fiscal years beginning after the date of the enactment of
25 this section.”.

1 (2) CLERICAL AMENDMENT.—The table of sec-
 2 tions at the beginning of chapter 73 is amended by
 3 inserting after the item relating to section 7311 the
 4 following new item:

“7311A. Quality management officers.”.

5 (b) REPORTS ON QUALITY CONCERNS UNDER QUAL-
 6 ITY-ASSURANCE PROGRAM.—Section 7311(b) is amended
 7 by adding at the end the following new paragraph:

8 “(4) As part of the quality-assurance program, the
 9 Under Secretary for Health shall establish mechanisms
 10 through which employees of Veterans Health Administra-
 11 tion facilities may submit reports, on a confidential basis,
 12 on matters relating to quality of care in Veterans Health
 13 Administration facilities to the quality management offi-
 14 cers of such facilities under section 7311A(b) of this title.
 15 The mechanisms shall provide for the prompt and thor-
 16 ough review of any reports so submitted by the receiving
 17 officials.”.

18 (c) REVIEW OF CURRENT HEALTH CARE QUALITY
 19 SAFEGUARDS.—

20 (1) IN GENERAL.—The Secretary of Veterans
 21 Affairs shall conduct a comprehensive review of all
 22 current policies and protocols of the Department of
 23 Veterans Affairs for maintaining health care quality
 24 and patient safety at Department medical facilities.
 25 The review shall include a review and assessment of

1 the National Surgical Quality Improvement Program
2 (NSQIP), including an assessment of—

3 (A) the efficacy of the quality indicators
4 under the program;

5 (B) the efficacy of the data collection
6 methods under the program;

7 (C) the efficacy of the frequency with
8 which regular data analyses are performed
9 under the program; and

10 (D) the extent to which the resources allo-
11 cated to the program are adequate to fulfill the
12 stated function of the program.

13 (2) REPORT.—Not later than 60 days after the
14 date of the enactment of this Act, the Secretary
15 shall submit to Congress a report on the review con-
16 ducted under paragraph (1), including the findings
17 of the Secretary as a result of the review and such
18 recommendations as the Secretary considers appro-
19 priate in light of the review.

20 **SEC. 507. REPORTS ON IMPROVEMENTS TO DEPARTMENT**
21 **HEALTH CARE QUALITY MANAGEMENT.**

22 (a) REPORT.—Not later than December 15, 2010,
23 and each year thereafter through 2012, the Secretary of
24 Veterans Affairs shall submit to the congressional vet-
25 erans affairs committees a report on the implementation

1 of sections 604 and 506 of this Act and the amendments
2 made by such sections during the preceding fiscal year.
3 Each report shall include, for the fiscal year covered by
4 such report, the following:

5 (1) A comprehensive description of the imple-
6 mentation of sections 604 and 506 of this Act and
7 the amendments made by such sections.

8 (2) Such recommendations as the Secretary
9 considers appropriate for legislative or administra-
10 tive action to improve the authorities and require-
11 ments in such sections and the amendments made
12 by such sections or to otherwise improve the quality
13 of health care and the quality of the physicians in
14 the Veterans Health Administration.

15 (b) CONGRESSIONAL VETERANS AFFAIRS COMMIT-
16 TEES DEFINED.—In this section, the term “congressional
17 veterans affairs committees” means—

18 (1) the Committees on Veterans’ Affairs and
19 Appropriations of the Senate; and

20 (2) the Committees on Veterans’ Affairs and
21 Appropriations of the House of Representatives.

1 **SEC. 508. PILOT PROGRAM ON USE OF COMMUNITY-BASED**
2 **ORGANIZATIONS AND LOCAL AND STATE**
3 **GOVERNMENT ENTITIES TO ENSURE THAT**
4 **VETERANS RECEIVE CARE AND BENEFITS**
5 **FOR WHICH THEY ARE ELIGIBLE.**

6 (a) PILOT PROGRAM REQUIRED.—The Secretary of
7 Veterans Affairs shall carry out a pilot program to assess
8 the feasibility and advisability of using community-based
9 organizations and local and State government entities—

10 (1) to increase the coordination of community,
11 local, State, and Federal providers of health care
12 and benefits for veterans to assist veterans who are
13 transitioning from military service to civilian life in
14 such transition;

15 (2) to increase the availability of high quality
16 medical and mental health services to veterans
17 transitioning from military service to civilian life;

18 (3) to provide assistance to families of veterans
19 who are transitioning from military service to civil-
20 ian life to help such families adjust to such transi-
21 tion; and

22 (4) to provide outreach to veterans and their
23 families to inform them about the availability of ben-
24 efits and connect them with appropriate care and
25 benefit programs.

1 (b) DURATION OF PROGRAM.—The pilot program
2 shall be carried out during the two-year period beginning
3 on the date of the enactment of this Act.

4 (c) PROGRAM LOCATIONS.—

5 (1) IN GENERAL.—The pilot program shall be
6 carried out at five locations selected by the Secretary
7 for purposes of the pilot program.

8 (2) CONSIDERATIONS.—In selecting locations
9 for the pilot program, the Secretary shall consider
10 the advisability of selecting locations in—

11 (A) rural areas;

12 (B) areas with populations that have a
13 high proportion of minority group representa-
14 tion;

15 (C) areas with populations that have a
16 high proportion of individuals who have limited
17 access to health care; and

18 (D) areas that are not in close proximity
19 to an active duty military installation.

20 (d) GRANTS.—The Secretary shall carry out the pilot
21 program through the award of grants to community-based
22 organizations and local and State government entities.

23 (e) SELECTION OF GRANT RECIPIENTS.—

24 (1) IN GENERAL.—A community-based organi-
25 zation or local or State government entity seeking a

1 grant under the pilot program shall submit to the
2 Secretary of Veterans Affairs an application therefor
3 in such form and in such manner as the Secretary
4 considers appropriate.

5 (2) ELEMENTS.—Each application submitted
6 under paragraph (1) shall include the following:

7 (A) A description of how the proposal was
8 developed in consultation with the Department
9 of Veterans Affairs.

10 (B) A plan to coordinate activities under
11 the pilot program, to the greatest extent pos-
12 sible, with the local, State, and Federal pro-
13 viders of services for veterans to reduce duplica-
14 tion of services and to increase the effect of
15 such services.

16 (f) USE OF GRANT FUNDS.—The Secretary shall pre-
17 scribe appropriate uses of grant funds received under the
18 pilot program.

19 (g) REPORT ON PROGRAM.—

20 (1) IN GENERAL.—Not later than 180 days
21 after the completion of the pilot program, the Sec-
22 retary shall submit to Congress a report on the pilot
23 program.

24 (2) ELEMENTS.—The report required by para-
25 graph (1) shall include the following:

1 (A) The findings and conclusions of the
2 Secretary with respect to the pilot program.

3 (B) An assessment of the benefits to vet-
4 erans of the pilot program.

5 (C) The recommendations of the Secretary
6 as to the advisability of continuing the pilot
7 program.

8 **SEC. 509. SPECIALIZED RESIDENTIAL CARE AND REHABILI-**
9 **TATION FOR CERTAIN VETERANS.**

10 Section 1720 is amended by adding at the end the
11 following new subsection:

12 “(g) The Secretary may contract with appropriate en-
13 tities to provide specialized residential care and rehabilita-
14 tion services to a veteran of Operation Enduring Freedom
15 or Operation Iraqi Freedom who the Secretary determines
16 suffers from a traumatic brain injury, has an accumula-
17 tion of deficits in activities of daily living and instrumental
18 activities of daily living, and because of these deficits,
19 would otherwise require admission to a nursing home even
20 though such care would generally exceed the veteran’s
21 nursing needs.”.

1 **SEC. 510. EXPANDED STUDY ON THE HEALTH IMPACT OF**
2 **PROJECT SHIPBOARD HAZARD AND DE-**
3 **FENSE.**

4 (a) IN GENERAL.—Not later than 90 days after the
5 date of the enactment of this Act, the Secretary of Vet-
6 erans Affairs shall enter into a contract with the Institute
7 of Medicine of the National Academies to conduct an ex-
8 panded study on the health impact of Project Shipboard
9 Hazard and Defense (Project SHAD).

10 (b) COVERED VETERANS.—The study required by
11 subsection (a) shall include, to the extent practicable, all
12 veterans who participated in Project Shipboard Hazard
13 and Defense.

14 (c) UTILIZATION OF EXISTING STUDIES.—The study
15 required by subsection (a) may use results from the study
16 covered in the report entitled “Long-Term Health Effects
17 of Participation in Project SHAD” of the Institute of
18 Medicine of the National Academies.

19 **SEC. 511. USE OF NON-DEPARTMENT FACILITIES FOR RE-**
20 **HABILITATION OF INDIVIDUALS WITH TRAU-**
21 **MATIC BRAIN INJURY.**

22 Section 1710E is amended—

23 (1) by redesignating subsection (b) as sub-
24 section (c);

25 (2) by inserting after subsection (a) the fol-
26 lowing new subsection (b):

1 “(b) COVERED INDIVIDUALS.—The care and services
2 provided under subsection (a) shall be made available to
3 an individual—

4 “(1) who is described in section 1710C(a) of
5 this title; and

6 “(2)(A) to whom the Secretary is unable to pro-
7 vide such treatment or services at the frequency or
8 for the duration prescribed in such plan; or

9 “(B) for whom the Secretary determines that it
10 is optimal with respect to the recovery and rehabili-
11 tation for such individual.”; and

12 (3) by adding at the end the following new sub-
13 section:

14 “(d) STANDARDS.—The Secretary may not provide
15 treatment or services as described in subsection (a) at a
16 non-Department facility under such subsection unless
17 such facility maintains standards for the provision of such
18 treatment or services established by an independent, peer-
19 reviewed organization that accredits specialized rehabilita-
20 tion programs for adults with traumatic brain injury.”.

1 **SEC. 512. INCLUSION OF FEDERALLY RECOGNIZED TRIBAL**
 2 **ORGANIZATIONS IN CERTAIN PROGRAMS FOR**
 3 **STATE VETERANS HOMES.**

4 (a) TREATMENT OF TRIBAL ORGANIZATION HEALTH
 5 FACILITIES AS STATE HOMES.—Section 8138 is amend-
 6 ed—

7 (1) by redesignating subsection (e) as sub-
 8 section (f); and

9 (2) by inserting after subsection (d) the fol-
 10 lowing new subsection (e):

11 “(e)(1) A health facility (or certain beds in a health
 12 facility) of a tribal organization is treatable as a State
 13 home under subsection (a) in accordance with the provi-
 14 sions of that subsection.

15 “(2) Except as provided in paragraph (3), the provi-
 16 sions of this section shall apply to a health facility (or cer-
 17 tain beds in such facility) treated as a State home under
 18 subsection (a) by reason of this subsection to the same
 19 extent as health facilities (or beds) treated as a State
 20 home under subsection (a).

21 “(3) Subsection (f) shall not apply to the treatment
 22 of health facilities (or certain beds in such facilities) of
 23 tribal organizations as a State home under subsection
 24 (a).”.

25 (b) STATE HOME FACILITIES FOR DOMICILIARY,
 26 NURSING, AND OTHER CARE.—

1 (1) IN GENERAL.—Chapter 81 is further
2 amended—

3 (A) in section 8131, by adding at the end
4 the following new paragraph:

5 “(5) The term ‘tribal organization’ has the
6 meaning given such term in section 3765 of this
7 title.”;

8 (B) in section 8132, by inserting “and
9 tribal organizations” after “the several States”;
10 and

11 (C) by inserting after section 8133 the fol-
12 lowing new section:

13 **“§ 8133A. Tribal organizations**

14 “(a) AUTHORITY TO AWARD GRANTS.—The Sec-
15 retary may award a grant to a tribal organization under
16 this subchapter in order to carry out the purposes of this
17 subchapter.

18 “(b) MANNER AND CONDITION OF GRANT
19 AWARDS.—(1) Grants to tribal organizations under this
20 section shall be awarded in the same manner, and under
21 the same conditions, as grants awarded to the several
22 States under the provisions of this subchapter, subject to
23 such exceptions as the Secretary shall prescribe for pur-
24 poses of this subchapter to take into account the unique
25 circumstances of tribal organizations.

1 “(2) For purposes of according priority under sub-
 2 section (c)(2) of section 8135 of this title to an application
 3 submitted under subsection (a) of such section, an applica-
 4 tion submitted under such subsection (a) by a tribal orga-
 5 nization of a State that has previously applied for award
 6 of a grant under this subchapter for construction or acqui-
 7 sition of a State nursing home shall be considered under
 8 subparagraph (C) of such subsection (c)(2) an application
 9 from a tribal organization that has previously applied for
 10 such a grant.”.

11 (2) CLERICAL AMENDMENT.—The table of sec-
 12 tions at the beginning of chapter 81 is amended by
 13 inserting after the item relating to section 8133 the
 14 following new item:

“8133A. Tribal organizations.”.

15 **SEC. 513. PILOT PROGRAM ON PROVISION OF DENTAL IN-**
 16 **SURANCE PLANS TO VETERANS AND SUR-**
 17 **VIVORS AND DEPENDENTS OF VETERANS.**

18 (a) PILOT PROGRAM REQUIRED.—The Secretary of
 19 Veterans Affairs shall carry out a pilot program to assess
 20 the feasibility and advisability of providing a dental insur-
 21 ance plan to veterans and survivors and dependents of vet-
 22 erans described in subsection (b).

23 (b) COVERED VETERANS AND SURVIVORS AND DE-
 24 PENDENTS.—The veterans and survivors and dependents
 25 of veterans described in this subsection are as follows:

1 (1) Any veteran who is enrolled in the system
2 of annual patient enrollment under section 1705 of
3 this title.

4 (2) Any survivor or dependent of a veteran who
5 is eligible for medical care under section 1781 of
6 this title.

7 (c) DURATION OF PROGRAM.—The pilot program
8 shall be carried out during the three-year period beginning
9 on the date of the enactment of this Act.

10 (d) PILOT PROGRAM LOCATIONS.—The pilot pro-
11 gram shall be carried out in not less than two and not
12 more than four Veterans Integrated Services Networks
13 (VISNs) selected by the Secretary of Veterans Affairs for
14 purposes of the pilot program.

15 (e) ADMINISTRATION.—The Secretary of Veterans
16 Affairs shall contract with a dental insurer to administer
17 the dental plan provided under the pilot program.

18 (f) BENEFITS.—The dental insurance plan under the
19 pilot program shall provide such benefits for dental care
20 and treatment as the Secretary considers appropriate for
21 the dental insurance plan, including diagnostic services,
22 preventative services, endodontics and other restorative
23 services, surgical services, and emergency services.

24 (g) ENROLLMENT.—

1 (1) VOLUNTARY.—Enrollment in the dental in-
2 surance plan under this section shall be voluntary.

3 (2) MINIMUM PERIOD.—Enrollment in the den-
4 tal insurance plan shall be for such minimum period
5 as the Secretary shall prescribe for purposes of this
6 section.

7 (h) PREMIUMS.—

8 (1) IN GENERAL.—Premiums for coverage
9 under the dental insurance plan under the pilot pro-
10 gram shall be in such amount or amounts as the
11 Secretary of Veterans Affairs shall prescribe to cover
12 all costs associated with the pilot program.

13 (2) ANNUAL ADJUSTMENT.—The Secretary
14 shall adjust the premiums payable under the pilot
15 program for coverage under the dental insurance
16 plan on an annual basis. Each individual covered by
17 the dental insurance plan at the time of such an ad-
18 justment shall be notified of the amount and effec-
19 tive date of such adjustment.

20 (3) RESPONSIBILITY FOR PAYMENT.—Each in-
21 dividual covered by the dental insurance plan shall
22 pay the entire premium for coverage under the den-
23 tal insurance plan, in addition to the full cost of any
24 copayments.

25 (i) VOLUNTARY DISENROLLMENT.—

1 (1) IN GENERAL.—With respect to enrollment
2 in the dental insurance plan under the pilot pro-
3 gram, the Secretary shall—

4 (A) permit the voluntary disenrollment of
5 an individual in the dental insurance plan if the
6 disenrollment occurs during the 30-day period
7 beginning on the date of the enrollment of the
8 individual in the dental insurance plan; and

9 (B) permit the voluntary disenrollment of
10 an individual in the dental insurance plan for
11 such circumstances as the Secretary shall pre-
12 scribe for purposes of this subsection, but only
13 to the extent such disenrollment does not jeop-
14 ardize the fiscal integrity of the dental insur-
15 ance plan.

16 (2) ALLOWABLE CIRCUMSTANCES.—The cir-
17 cumstances prescribed under paragraph (1)(B) shall
18 include the following:

19 (A) If an individual enrolled in the dental
20 insurance plan relocates to a location outside
21 the jurisdiction of the dental insurance plan
22 that prevents utilization of the benefits under
23 the dental insurance plan.

24 (B) If an individual enrolled in the dental
25 insurance plan is prevented by a serious med-

1 ical condition from being able to obtain benefits
2 under the dental insurance plan.

3 (C) Such other circumstances as the Sec-
4 retary shall prescribe for purposes of this sub-
5 section.

6 (3) ESTABLISHMENT OF PROCEDURES.—The
7 Secretary shall establish procedures for determina-
8 tions on the permissibility of voluntary
9 disenrollments under paragraph (1)(B). Such proce-
10 dures shall ensure timely determinations on the per-
11 missibility of such disenrollments.

12 (j) RELATIONSHIP TO DENTAL CARE PROVIDED BY
13 SECRETARY.—Nothing in this section shall affect the re-
14 sponsibility of the Secretary to provide dental care under
15 section 1712 of title 38, United States Code, and the par-
16 ticipation of an individual in the dental insurance plan
17 under the pilot program shall not affect the individual's
18 entitlement to outpatient dental services and treatment,
19 and related dental appliances, under that section.

20 (k) REGULATIONS.—The dental insurance plan under
21 the pilot program shall be administered under such regula-
22 tions as the Secretary shall prescribe.

1 **SEC. 514. EXPANSION OF VETERAN ELIGIBILITY FOR REIM-**
2 **BURSEMENT BY SECRETARY OF VETERANS**
3 **AFFAIRS FOR EMERGENCY TREATMENT FUR-**
4 **NISHED IN A NON-DEPARTMENT FACILITY.**

5 (a) EXPANSION OF ELIGIBILITY.—Subsection
6 (b)(3)(C) of section 1725 is amended by striking “, in
7 whole or in part,”.

8 (b) LIMITATIONS ON REIMBURSEMENT.—Section
9 1725 is further amended—

10 (1) in subsection (c), by adding at the end the
11 following new paragraph:

12 “(4)(A) If the veteran has contractual or legal re-
13 course against a third party that would, in part, extin-
14 guish the veteran’s liability to the provider of the emer-
15 gency treatment and payment for the treatment may be
16 made both under subsection (a) and by the third party,
17 the amount payable for such treatment under such sub-
18 section shall be the amount by which the costs for the
19 emergency treatment exceed the amount payable or paid
20 by the third party, except that the amount payable may
21 not exceed the maximum amount payable established
22 under paragraph (1)(A).

23 “(B) In any case in which a third party is financially
24 responsible for part of the veteran’s emergency treatment
25 expenses, the Secretary shall be the secondary payer.

1 “(C) A payment in the amount payable under sub-
 2 paragraph (A) shall be considered payment in full and
 3 shall extinguish the veteran’s liability to the provider.

4 “(D) The Secretary may not reimburse a veteran
 5 under this section for any copayment or similar payment
 6 that the veteran owes the third party or for which the vet-
 7 eran is responsible under a health-plan contract.”; and

8 (2) in subsection (f)(3)—

9 (A) in subparagraph (A), by inserting be-
 10 fore the period at the end the following: “, in-
 11 cluding the Secretary of Health and Human
 12 Services with respect to the Medicare program
 13 under title XVIII of the Social Security Act (42
 14 U.S.C. 1395 et seq.) and the Medicaid program
 15 under title XIX of such Act (42 U.S.C. 1396 et
 16 seq.)”; and

17 (B) in subparagraph (B), by inserting be-
 18 fore the period at the end the following: “, in-
 19 cluding a State Medicaid agency with respect to
 20 payments made under a State plan for medical
 21 assistance approved under title XIX of such Act
 22 (42 U.S.C. 1396 et seq.)”.

23 (c) EFFECTIVE DATE.—

24 (1) IN GENERAL.—The amendments made by
 25 subsections (a) and (b) shall take effect on the date

1 of the enactment of this Act, and shall apply with
 2 respect to emergency treatment furnished on or
 3 after that date.

4 (2) REIMBURSEMENT FOR TREATMENT BEFORE
 5 EFFECTIVE DATE.—The Secretary of Veterans Af-
 6 fairs may provide reimbursement under section 1725
 7 of title 38, United States Code, as amended by this
 8 subsection, for emergency treatment furnished be-
 9 fore the date of the enactment of this Act if the Sec-
 10 retary determines that, under the circumstances ap-
 11 plicable with respect to the veteran, it is appropriate
 12 to do so.

13 **SEC. 515. PROHIBITION ON COLLECTION OF COPAYMENTS**
 14 **FROM VETERANS WHO ARE CATASTROPH-**
 15 **ICALLY DISABLED.**

16 (a) IN GENERAL.—Subchapter III of chapter 17 is
 17 amended by adding at the end the following new section:

18 **“§ 1730A. Prohibition on collection of copayments**
 19 **from catastrophically disabled veterans**

20 “Notwithstanding subsections (f) and (g) of section
 21 1710 and section 1722A(a) of this title or any other provi-
 22 sion of law, the Secretary may not require a veteran who
 23 is catastrophically disabled to make any copayment for the
 24 receipt of hospital care or medical services under the laws
 25 administered by the Secretary.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
 2 at the beginning of such chapter is amended by inserting
 3 after the item relating to section 1730 the following new
 4 item:

“1730A. Prohibition on collection of copayments from catastrophically disabled veterans.”.

5 **TITLE VI—DEPARTMENT**
 6 **PERSONNEL MATTERS**

7 **SEC. 601. ENHANCEMENT OF AUTHORITIES FOR RETEN-**
 8 **TION OF MEDICAL PROFESSIONALS.**

9 (a) SECRETARIAL AUTHORITY TO EXTEND TITLE 38
 10 STATUS TO ADDITIONAL POSITIONS.—

11 (1) IN GENERAL.—Paragraph (3) of section
 12 7401 is amended by striking “and blind rehabilita-
 13 tion outpatient specialists.” and inserting the fol-
 14 lowing: “blind rehabilitation outpatient specialists,
 15 and such other classes of health care occupations as
 16 the Secretary considers necessary for the recruit-
 17 ment and retention needs of the Department subject
 18 to the following requirements:

19 “(A) Such other classes of health care oc-
 20 cupations—

21 “(i) are not occupations relating to
 22 administrative, clerical, or physical plant
 23 maintenance and protective services;

1 “(ii) that would otherwise receive
2 basic pay in accordance with the General
3 Schedule under section 5332 of title 5;

4 “(iii) provide, as determined by the
5 Secretary, direct patient care services or
6 services incident to direct patient services;
7 and

8 “(iv) would not otherwise be available
9 to provide medical care or treatment for
10 veterans.

11 “(B) Not later than 45 days before the
12 Secretary appoints any personnel for a class of
13 health care occupations that is not specifically
14 listed in this paragraph, the Secretary shall
15 submit to the Committee on Veterans’ Affairs
16 of the Senate, the Committee on Veterans’ Af-
17 fairs of the House of Representatives, and the
18 Office of Management and Budget notice of
19 such appointment.

20 “(C) Before submitting notice under sub-
21 paragraph (B), the Secretary shall solicit com-
22 ments from any labor organization representing
23 employees in such class and include such com-
24 ments in such notice.”.

1 (2) APPOINTMENT OF NURSE ASSISTANTS.—

2 Such paragraph is further amended by inserting
3 “nurse assistants,” after “licensed practical or voca-
4 tional nurses,”.

5 (b) PROBATIONARY PERIODS FOR REGISTERED
6 NURSES.—Section 7403(b) is amended—

7 (1) in paragraph (1), by striking “Appoint-
8 ments” and inserting “Except as otherwise provided
9 in this subsection, appointments”;

10 (2) by redesignating paragraph (2) as para-
11 graph (4); and

12 (3) by inserting after paragraph (1) the fol-
13 lowing new paragraphs:

14 “(2) With respect to the appointment of a registered
15 nurse under this chapter, paragraph (1) shall apply with
16 respect to such appointment regardless of whether such
17 appointment is on a full-time basis or a part-time basis.

18 “(3) An appointment described in subsection (a) on
19 a part-time basis of a person who has previously served
20 on a full-time basis for the probationary period for the
21 position concerned shall be without a probationary pe-
22 riod.”.

23 (c) PROHIBITION ON TEMPORARY PART-TIME REG-
24 ISTERED NURSE APPOINTMENTS IN EXCESS OF TWO

1 YEARS.—Section 7405 is amended by adding at the end
2 the following new subsection:

3 “(g)(1) Except as provided in paragraph (3), employ-
4 ment of a registered nurse on a temporary part-time basis
5 under subsection (a)(1) shall be for a probationary period
6 of two years.

7 “(2) Except as provided in paragraph (3), upon com-
8 pletion by a registered nurse of the probationary period
9 described in paragraph (1)—

10 “(A) the employment of such nurse shall—

11 “(i) no longer be considered temporary;

12 and

13 “(ii) be considered an appointment de-
14 scribed in section 7403(a) of this title; and

15 “(B) the nurse shall be considered to have
16 served the probationary period required by section
17 7403(b).

18 “(3) This subsection shall not apply to appointments
19 made on a term limited basis of less than or equal to three
20 years of—

21 “(A) nurses with a part-time appointment re-
22 sulting from an academic affiliation or teaching posi-
23 tion in a nursing academy of the Department;

24 “(B) nurses appointed as a result of a specific
25 research proposal or grant; or

1 “(C) nurses who are not citizens of the United
2 States and appointed under section 7407(a) of this
3 title.”.

4 (d) WAIVER OF OFFSET FROM PAY FOR CERTAIN
5 REEMPLOYED ANNUITANTS.—

6 (1) IN GENERAL.—Section 7405, as amended
7 by subsection (c), is further amended by adding at
8 the end the following new subsection:

9 “(h)(1) The Secretary may waive the application of
10 sections 8344 and 8468 of title 5 (relating to annuities
11 and pay on reemployment) or any other similar provision
12 of law under a Government retirement system on a case-
13 by-case basis for an annuitant reemployed on a temporary
14 basis under the authority of subsection (a) in a position
15 described under paragraph (1) of that subsection.

16 “(2) An annuitant to whom a waiver under para-
17 graph (1) is in effect shall not be considered an employee
18 for purposes of any Government retirement system.

19 “(3) An annuitant to whom a waiver under para-
20 graph (1) is in effect shall be subject to the provisions
21 of chapter 71 of title 5 (including all labor authority and
22 labor representative collective bargaining agreements) ap-
23 plicable to the position to which appointed.

24 “(4) In this subsection:

1 “(A) The term ‘annuitant’ means an annuitant
2 under a Government retirement system.

3 “(B) The term ‘employee’ has the meaning
4 under section 2105 of title 5.

5 “(C) The term ‘Government retirement system’
6 means a retirement system established by law for
7 employees of the Government of the United States.”.

8 (2) EFFECTIVE DATE.—The amendment made
9 by paragraph (1) shall take effect on the date that
10 is 180 days after the date of the enactment of this
11 Act, and shall apply to pay periods beginning on or
12 after such effective date.

13 (e) RATE OF BASIC PAY FOR APPOINTEES TO THE
14 OFFICE OF THE UNDER SECRETARY FOR HEALTH SET
15 TO RATE OF BASIC PAY FOR SENIOR EXECUTIVE SERV-
16 ICE POSITIONS.—

17 (1) IN GENERAL.—Section 7404(a) is amend-
18 ed—

19 (A) by striking “The annual” and insert-
20 ing “(1) The annual”;

21 (B) by striking “The pay” and inserting
22 the following:

23 “(2) The pay”;

1 (C) by striking “under the preceding sen-
2 tence” and inserting “under paragraph (1)”;
3 and

4 (D) by adding at the end the following new
5 paragraph:

6 “(3)(A) The rate of basic pay for a position to which
7 an Executive order applies under paragraph (1) and is not
8 described by paragraph (2) shall be set in accordance with
9 section 5382 of title 5 as if such position were a Senior
10 Executive Service position (as such term is defined in sec-
11 tion 3132(a) of title 5).

12 “(B) A rate of basic pay for a position may not be
13 set under subparagraph (A) in excess of—

14 “(i) in the case the position is not described in
15 clause (ii), the rate of basic pay payable for level III
16 of the Executive Schedule; or

17 “(ii) in the case that the position is covered by
18 a performance appraisal system that meets the cer-
19 tification criteria established by regulation under
20 section 5307(d) of title 5, the rate of basic pay pay-
21 able for level II of the Executive Schedule.

22 “(C) Notwithstanding the provisions of subsection (d)
23 of section 5307 of title 5, the Secretary may make any
24 certification under that subsection instead of the Office

1 of Personnel Management and without concurrence of the
2 Office of Management and Budget.”.

3 (2) EFFECTIVE DATE.—The amendments made
4 by paragraph (1) shall take effect on the first day
5 of the first pay period beginning after the day that
6 is 180 days after the date of the enactment of this
7 Act.

8 (f) SPECIAL INCENTIVE PAY FOR DEPARTMENT
9 PHARMACIST EXECUTIVES.—Section 7410 is amended—
10 (1) by striking “The Secretary may” and in-
11 serting the following:

12 “(a) IN GENERAL.—The Secretary may”; and

13 (2) by adding at the end the following new sub-
14 section:

15 “(b) SPECIAL INCENTIVE PAY FOR DEPARTMENT
16 PHARMACIST EXECUTIVES.—(1) In order to recruit and
17 retain highly qualified Department pharmacist executives,
18 the Secretary may authorize the Under Secretary for
19 Health to pay special incentive pay of not more than
20 \$40,000 per year to an individual of the Veterans Health
21 Administration who is a pharmacist executive.

22 “(2) In determining whether and how much special
23 pay to provide to such individual, the Under Secretary
24 shall consider the following:

1 “(A) The grade and step of the position of the
2 individual.

3 “(B) The scope and complexity of the position
4 of the individual.

5 “(C) The personal qualifications of the indi-
6 vidual.

7 “(D) The characteristics of the labor market
8 concerned.

9 “(E) Such other factors as the Secretary con-
10 siders appropriate.

11 “(3) Special incentive pay under paragraph (1) for
12 an individual is in addition to all other pay (including
13 basic pay) and allowances to which the individual is enti-
14 tled.

15 “(4) Except as provided in paragraph (5), special in-
16 centive pay under paragraph (1) for an individual shall
17 be considered basic pay for all purposes, including retire-
18 ment benefits under chapters 83 and 84 of title 5, and
19 other benefits.

20 “(5) Special incentive pay under paragraph (1) for
21 an individual shall not be considered basic pay for pur-
22 poses of adverse actions under subchapter V of this chap-
23 ter.

24 “(6) Special incentive pay under paragraph (1) may
25 not be awarded to an individual in an amount that would

1 result in an aggregate amount of pay (including bonuses
 2 and awards) received by such individual in a year under
 3 this title that is greater than the annual pay of the Presi-
 4 dent.”.

5 (g) PAY FOR PHYSICIANS AND DENTISTS.—

6 (1) NON-FOREIGN COST OF LIVING ADJUST-
 7 MENT ALLOWANCE.—Section 7431(b) is amended by
 8 adding at the end the following new paragraph:

9 “(5) The non-foreign cost of living adjustment
 10 allowance authorized under section 5941 of title 5
 11 for physicians and dentists whose pay is set under
 12 this section shall be determined as a percentage of
 13 base pay only.”.

14 (2) MARKET PAY DETERMINATIONS FOR PHYSI-
 15 CIANS AND DENTISTS IN ADMINISTRATIVE OR EXEC-
 16 UTIVE LEADERSHIP POSITIONS.—Section
 17 7431(c)(4)(B)(i) is amended by adding at the end
 18 the following: “The Secretary may exempt physi-
 19 cians and dentists occupying administrative or exec-
 20 utive leadership positions from the requirements of
 21 the previous sentence.”.

22 (3) EXCEPTION TO PROHIBITION ON REDUC-
 23 TION OF MARKET PAY.—Section 7431(c)(7) is
 24 amended by striking “concerned.” and inserting

1 “concerned, unless there is a change in board certifi-
 2 cation or reduction of privileges.”.

3 (h) ADJUSTMENT OF PAY CAP FOR NURSES.—Sec-
 4 tion 7451(c)(2) is amended by striking “level V” and in-
 5 serting “level IV”.

6 (i) EXEMPTION FOR CERTIFIED REGISTERED NURSE
 7 ANESTHETISTS FROM LIMITATION ON AUTHORIZED COM-
 8 PETITIVE PAY.—Section 7451(c)(2) is further amended
 9 by adding at the end the following new sentence: “The
 10 maximum rate of basic pay for a grade for the position
 11 of certified registered nurse anesthetist pursuant to an ad-
 12 justment under subsection (d) may exceed the maximum
 13 rate otherwise provided in the preceding sentence.”.

14 (j) INCREASED LIMITATION ON SPECIAL PAY FOR
 15 NURSE EXECUTIVES.—Section 7452(g)(2) is amended by
 16 striking “\$25,000” and inserting “\$100,000”.

17 (k) LOCALITY PAY SCALE COMPUTATIONS.—

18 (1) EDUCATION, TRAINING, AND SUPPORT FOR
 19 FACILITY DIRECTORS IN WAGE SURVEYS.—Section
 20 7451(d)(3) is amended by adding at the end the fol-
 21 lowing new subparagraph:

22 “(F) The Under Secretary for Health shall provide
 23 appropriate education, training, and support to directors
 24 of Department health care facilities in the conduct and

1 use of surveys, including the use of third-party surveys,
 2 under this paragraph.”.

3 (2) INFORMATION ON METHODOLOGY USED IN
 4 WAGE SURVEYS.—Section 7451(e)(4) is amended—

5 (A) by redesignating subparagraph (D) as
 6 subparagraph (E); and

7 (B) by inserting after subparagraph (C)
 8 the following new subparagraph (D):

9 “(D) In any case in which the director conducts
 10 such a wage survey during the period covered by the
 11 report and makes adjustment in rates of basic pay
 12 applicable to one or more covered positions at the fa-
 13 cility, information on the methodology used in mak-
 14 ing such adjustment or adjustments.”.

15 (3) DISCLOSURE OF INFORMATION TO PERSONS
 16 IN COVERED POSITIONS.—Section 7451(e), as
 17 amended by paragraph (2) of this subsection, is fur-
 18 ther amended by adding at the end the following
 19 new paragraph:

20 “(6)(A) Upon the request of an individual described
 21 in subparagraph (B) for a report provided under para-
 22 graph (4) with respect to a Department health-care facil-
 23 ity, the Under Secretary for Health or the director of such
 24 facility shall provide to the individual the most current re-
 25 port for such facility provided under such paragraph.

1 “(B) An individual described in this subparagraph
2 is—

3 “(i) an individual in a covered position at a De-
4 partment health-care facility; or

5 “(ii) a representative of the labor organization
6 representing that individual who is designated by
7 that individual to make the request.”.

8 (l) ELIGIBILITY OF PART-TIME NURSES FOR ADDI-
9 TIONAL NURSE PAY.—

10 (1) IN GENERAL.—Section 7453 is amended—

11 (A) in subsection (a), by striking “a
12 nurse” and inserting “a full-time nurse or part-
13 time nurse”;

14 (B) in subsection (b)—

15 (i) in the first sentence—

16 (I) by striking “on a tour of
17 duty”;

18 (II) by striking “service on such
19 tour” and inserting “such service”;
20 and

21 (III) by striking “of such tour”
22 and inserting “of such service”; and

23 (ii) in the second sentence, by striking
24 “of such tour” and inserting “of such serv-
25 ice”;

1 (C) in subsection (c)—

2 (i) by striking “on a tour of duty”;

3 and

4 (ii) by striking “service on such tour”

5 and inserting “such service”; and

6 (D) in subsection (e)—

7 (i) in paragraph (1), by striking

8 “eight hours in a day” and inserting

9 “eight consecutive hours”; and

10 (ii) in paragraph (5)(A), by striking

11 “tour of duty” and inserting “period of

12 service”.

13 (2) EXCLUSION OF APPLICATION OF ADDI-

14 TIONAL NURSE PAY PROVISIONS TO CERTAIN ADDI-

15 TIONAL EMPLOYEES.—Paragraph (3) of section

16 7454(b) is amended to read as follows:

17 “(3) Employees appointed under section 7408 of this

18 title performing service on a tour of duty, any part of

19 which is within the period commencing at midnight Friday

20 and ending at midnight Sunday, shall receive additional

21 pay in addition to the rate of basic pay provided such em-

22 ployees for each hour of service on such tour at a rate

23 equal to 25 percent of such employee’s hourly rate of basic

24 pay.”.

1 (m) ENHANCED AUTHORITY TO INCREASE RATES OF
 2 BASIC PAY TO OBTAIN OR RETAIN SERVICES OF CERTAIN
 3 PERSONS.—Section 7455(c) is amended to read as fol-
 4 lows:

5 “(c)(1) Subject to paragraph (2), the amount of any
 6 increase under subsection (a) in the minimum rate for any
 7 grade may not (except in the case of nurse anesthetists,
 8 licensed practical nurses, licensed vocational nurses, nurs-
 9 ing positions otherwise covered by title 5, pharmacists,
 10 and licensed physical therapists) exceed the maximum rate
 11 of basic pay (excluding any locality-based comparability
 12 payment under section 5304 of title 5 or similar provision
 13 of law) for the grade or level by more than 30 percent.

14 “(2) No rate may be established under this section
 15 in excess of the rate of basic pay payable for level IV of
 16 the Executive Schedule.”.

17 **SEC. 602. LIMITATIONS ON OVERTIME DUTY, WEEKEND**
 18 **DUTY, AND ALTERNATIVE WORK SCHEDULES**
 19 **FOR NURSES.**

20 (a) OVERTIME DUTY.—

21 (1) IN GENERAL.—Subchapter IV of chapter 74
 22 is amended by adding at the end the following new
 23 section:

1 **“§ 7459. Nursing staff: special rules for overtime duty**

2 “(a) LIMITATION.—Except as provided in subsection
3 (c), the Secretary may not require nursing staff to work
4 more than 40 hours (or 24 hours if such staff is covered
5 under section 7456 of this title) in an administrative work
6 week or more than eight consecutive hours (or 12 hours
7 if such staff is covered under section 7456 or 7456A of
8 this title).

9 “(b) VOLUNTARY OVERTIME.—(1) Nursing staff may
10 on a voluntary basis elect to work hours otherwise prohib-
11 ited by subsection (a).

12 “(2) The refusal of nursing staff to work hours pro-
13 hibited by subsection (a) shall not be grounds to discrimi-
14 nate (within the meaning of section 704(a) of the Civil
15 Rights Act of 1964 (42 U.S.C. 2000e–3(a))) against the
16 staff, dismissal or discharge of the staff, or any other ad-
17 verse personnel action against the staff.

18 “(c) OVERTIME UNDER EMERGENCY CIR-
19 CUMSTANCES.—(1) Subject to paragraph (2), the Sec-
20 retary may require nursing staff to work hours otherwise
21 prohibited by subsection (a) if—

22 “(A) the work is a consequence of an emer-
23 gency that could not have been reasonably antici-
24 pated;

25 “(B) the emergency is non-recurring and is not
26 caused by or aggravated by the inattention of the

1 Secretary or lack of reasonable contingency planning
 2 by the Secretary;

3 “(C) the Secretary has exhausted all good faith,
 4 reasonable attempts to obtain voluntary workers;

5 “(D) the nurse staff have critical skills and ex-
 6 pertise that are required for the work; and

7 “(E) the work involves work for which the
 8 standard of care for a patient assignment requires
 9 continuity of care through completion of a case,
 10 treatment, or procedure.

11 “(2) Nursing staff may not be required to work hours
 12 under this subsection after the requirement for a direct
 13 role by the staff in responding to medical needs resulting
 14 from the emergency ends.

15 “(d) NURSING STAFF DEFINED.—In this section, the
 16 term ‘nursing staff’ includes the following;

17 “(1) A registered nurse.

18 “(2) A licensed practical or vocational nurse.

19 “(3) A nurse assistant appointed under this
 20 chapter or title 5.

21 “(4) Any other nurse position designated by the
 22 Secretary for purposes of this section.”.

23 (2) CLERICAL AMENDMENT.—The table of sec-
 24 tions at the beginning of chapter 74 is amended by

1 inserting after the item relating to section 7458 the
 2 following new item:

“7459. Nursing staff: special rules for overtime duty.”.

3 (b) WEEKEND DUTY.—Section 7456 is amended—

4 (1) by striking subsection (c); and

5 (2) by redesignating subsection (d) as sub-
 6 section (c).

7 (c) ALTERNATE WORK SCHEDULES.—

8 (1) IN GENERAL.—Section 7456A(b)(1)(A) is
 9 amended by striking “three regularly scheduled” and
 10 all that follows through the period at the end and
 11 inserting “six regularly scheduled 12-hour tours of
 12 duty within a 14-day period shall be considered for
 13 all purposes to have worked a full 80-hour pay pe-
 14 riod.”.

15 (2) CONFORMING AMENDMENTS.—Section
 16 7456A(b) is amended—

17 (A) in the subsection heading, by striking
 18 “36/40” and inserting “72/80”;

19 (B) in paragraph (2)—

20 (i) in subparagraph (A), by striking
 21 “40-hour basic work week” and inserting
 22 “80-hour pay period”;

23 (ii) in subparagraph (B), by striking
 24 “regularly scheduled 36-hour tour of duty
 25 within the work week” and inserting

1 “scheduled 72-hour tour of duty within the
2 bi-weekly pay period”;

3 (iii) in subparagraph (C)—

4 (I) in clause (i), by striking “reg-
5 ularly scheduled 36-hour tour of duty
6 within an administrative work week”
7 and inserting “scheduled 72-hour tour
8 of duty within an administrative pay
9 period”;

10 (II) in clause (ii), by striking
11 “regularly”; and

12 (III) in clause (iii), by striking
13 “regularly scheduled 36-hour tour of
14 duty work week” and inserting
15 “scheduled 72-hour tour of duty pay
16 period”; and

17 (iv) in subparagraph (D), by striking
18 “regularly”; and

19 (C) in paragraph (3), by striking “regu-
20 larly”.

21 **SEC. 603. IMPROVEMENTS TO CERTAIN EDUCATIONAL AS-**
22 **SISTANCE PROGRAMS.**

23 (a) REINSTATEMENT OF HEALTH PROFESSIONALS
24 EDUCATIONAL ASSISTANCE SCHOLARSHIP PROGRAM.—

1 (1) IN GENERAL.—Section 7618 is amended by
 2 striking “December 31, 1998” and inserting “De-
 3 cember 31, 2014”.

4 (2) EXPANSION OF ELIGIBILITY REQUIRE-
 5 MENTS.—Section 7612(b)(2) is amended by striking
 6 “(under section” and all that follows through “or vo-
 7 cational nurse.” and inserting the following: “as an
 8 appointee under paragraph (1) or (3) of section
 9 7401 of this title.”.

10 (b) IMPROVEMENTS TO EDUCATION DEBT REDUC-
 11 TION PROGRAM.—

12 (1) INCLUSION OF EMPLOYEE RETENTION AS
 13 PURPOSE OF PROGRAM.—Section 7681(a)(2) is
 14 amended by inserting “and retention” after “recruit-
 15 ment” the first time it appears.

16 (2) ELIGIBILITY.—Section 7682 is amended—
 17 (A) in subsection (a)(1), by striking “a re-
 18 cently appointed” and inserting “an”; and
 19 (B) by striking subsection (c).

20 (c) LOAN REPAYMENT PROGRAM FOR CLINICAL RE-
 21 SEARCHERS FROM DISADVANTAGED BACKGROUNDS.—

22 (1) IN GENERAL.—The Secretary of Veterans
 23 Affairs may, in consultation with the Secretary of
 24 Health and Human Services, utilize the authorities
 25 available in section 487E of the Public Health Serv-

ice Act (42 U.S.C. 288–5) for the repayment of the principal and interest of educational loans of appropriately qualified health professionals who are from disadvantaged backgrounds in order to secure clinical research by such professionals for the Veterans Health Administration.

(2) LIMITATIONS.—The exercise by the Secretary of Veterans Affairs of the authorities referred to in paragraph (1) shall be subject to the conditions and limitations specified in paragraphs (2) and (3) of section 487E(a) of the Public Health Service Act (42 U.S.C. 288–5(a)(2) and (3)).

(3) FUNDING.—Amounts for the repayment of principal and interest of educational loans under this subsection shall be derived from amounts available to the Secretary of Veterans Affairs for the Veterans Health Administration for Medical Services.

**SEC. 604. STANDARDS FOR APPOINTMENT AND PRACTICE
OF PHYSICIANS IN DEPARTMENT OF VET-
ERANS AFFAIRS MEDICAL FACILITIES.**

(a) STANDARDS.—

(1) IN GENERAL.—Subchapter I of chapter 74 is amended by inserting after section 7402 the following new section:

1 **“§ 7402A. Appointment and practice of physicians:**
2 **standards**

3 “(a) IN GENERAL.—The Secretary shall, acting
4 through the Under Secretary for Health, prescribe stand-
5 ards to be met by individuals in order to qualify for ap-
6 pointment in the Veterans Health Administration in the
7 position of physician and to practice as a physician in
8 medical facilities of the Administration. The standards
9 shall incorporate the requirements of this section.

10 “(b) DISCLOSURE OF CERTAIN INFORMATION BE-
11 FORE APPOINTMENT.—Each individual seeking appoint-
12 ment in the Veterans Health Administration in the posi-
13 tion of physician shall do the following:

14 “(1) Provide the Secretary a full and complete
15 explanation of the following:

16 “(A) Each lawsuit, civil action, or other
17 claim (whether open or closed) brought against
18 the individual for medical malpractice or neg-
19 ligence.

20 “(B) Each payment made by or on behalf
21 of the individual to settle any lawsuit, action, or
22 claim covered by subparagraph (A).

23 “(C) Each investigation or disciplinary ac-
24 tion taken against the individual relating to the
25 individual’s performance as a physician.

1 “(2) Provide the Secretary a written authoriza-
2 tion that permits the State licensing board of each
3 State in which the individual holds or has held a li-
4 cense to practice medicine to disclose to the Sec-
5 retary any information in the records of such State
6 on the following:

7 “(A) Each lawsuit, civil action, or other
8 claim brought against the individual for medical
9 malpractice or negligence covered by paragraph
10 (1)(A) that occurred in such State.

11 “(B) Each payment made by or on behalf
12 of the individual to settle any lawsuit, action, or
13 claim covered by subparagraph (A).

14 “(C) Each medical malpractice judgment
15 against the individual by the courts or adminis-
16 trative agencies or bodies of such State.

17 “(D) Each disciplinary action taken or
18 under consideration against the individual by
19 an administrative agency or body of such State.

20 “(E) Any change in the status of the li-
21 cense to practice medicine issued the individual
22 by such State, including any voluntary or non-
23 disciplinary surrendering of such license by the
24 individual.

1 “(F) Any open investigation of the indi-
 2 vidual by an administrative agency or body of
 3 such State, or any outstanding allegation
 4 against the individual before such an adminis-
 5 trative agency or body.

6 “(G) Any written notification by the State
 7 to the individual of potential termination of a li-
 8 cense for cause or otherwise.

9 “(c) DISCLOSURE OF CERTAIN INFORMATION FOL-
 10 LOWING APPOINTMENT.—(1) Each individual appointed
 11 in the Veterans Health Administration in the position of
 12 physician after the date of the enactment of this section
 13 shall, as a condition of service under the appointment, dis-
 14 close to the Secretary, not later than 30 days after the
 15 occurrence of such event, the following:

16 “(A) A judgment against the individual for
 17 medical malpractice or negligence.

18 “(B) A payment made by or on behalf of the
 19 individual to settle any lawsuit, action, or claim dis-
 20 closed under paragraph (1) or (2) of subsection (b).

21 “(C) Any disposition of or material change in a
 22 matter disclosed under paragraph (1) or (2) of sub-
 23 section (b).

1 “(D) Any lawsuit, disciplinary action, or claim
2 filed or undertaken after the date of the disclosures
3 under subsection (b).

4 “(2) Each individual appointed in the Veterans
5 Health Administration in the position of physician as of
6 the date of the enactment of this section shall do the fol-
7 lowing:

8 “(A) Not later than the end of the 60-day pe-
9 riod beginning on the date of the enactment of this
10 section and as a condition of service under the ap-
11 pointment after the end of that period, submit the
12 request and authorization described in subsection
13 (b)(2).

14 “(B) Agree, as a condition of service under the
15 appointment, to disclose to the Secretary, not later
16 than 30 days after the occurrence of such event, the
17 following:

18 “(i) A judgment against the individual for
19 medical malpractice or negligence.

20 “(ii) A payment made by or on behalf of
21 the individual to settle any lawsuit, action, or
22 claim disclosed pursuant to subparagraph (A)
23 or under this subparagraph.

1 “(iii) Any disposition of or material change
2 in a matter disclosed pursuant to subparagraph
3 (A) or under this subparagraph.

4 “(3) Each individual appointed in the Veterans
5 Health Administration in the position of physician shall,
6 as part of the biennial review of the performance of the
7 physician under the appointment, submit the request and
8 authorization described in subsection (b)(2). The require-
9 ment of this paragraph is in addition to the requirements
10 of paragraph (1) or (2), as applicable.

11 “(d) INVESTIGATION OF DISCLOSED MATTERS.—(1)
12 The Director of the Veterans Integrated Services Network
13 (VISN) in which an individual is seeking appointment in
14 the Veterans Health Administration in the position of phy-
15 sician shall perform an investigation (in such manner as
16 the standards required by this section shall specify) of
17 each matter disclosed under subsection (b) with respect
18 to the individual.

19 “(2) The Director of the Veterans Integrated Serv-
20 ices Network in which an individual is appointed in the
21 Veterans Health Administration in the position of physi-
22 cian shall perform an investigation (in a manner so speci-
23 fied) of each matter disclosed under subsection (c) with
24 respect to the individual.

1 “(3) The results of each investigation performed
2 under this subsection shall be fully documented.

3 “(e) APPROVAL OF APPOINTMENTS BY DIRECTORS
4 OF VISNs.—(1) An individual may not be appointed in
5 the Veterans Health Administration in the position of phy-
6 sician without the approval of the Director of the Veterans
7 Integrated Services Network in which the individual will
8 first serve under the appointment, unless the medical cen-
9 ter director and credentialing and privileging manager of
10 the facility hiring the physician certify in writing that—

11 “(A) a full investigation was carried out in com-
12 pliance with section 104 of this title; and

13 “(B) an investigation did not disclose any ac-
14 tions described in subsections (b), (c), and (d) of
15 such section.

16 “(2) In approving the appointment under this sub-
17 section of an individual for whom any matters have been
18 disclosed under subsection (b), a Director shall—

19 “(A) certify in writing the completion of the
20 performance of the investigation under subsection
21 (d)(1) of each such matter, including the results of
22 such investigation; and

23 “(B) provide a written justification why any
24 matters raised in the course of such investigation do
25 not disqualify the individual from appointment.

1 “(f) ENROLLMENT OF PHYSICIANS WITH PRACTICE
 2 PRIVILEGES IN PROACTIVE DISCLOSURE SERVICE.—Each
 3 medical facility of the Department at which physicians are
 4 extended the privileges of practice shall enroll each physi-
 5 cian extended such privileges in the Proactive Disclosure
 6 Service of the National Practitioner Data Bank.

7 “(g) ENCOURAGING HIRING OF PHYSICIANS WITH
 8 BOARD CERTIFICATION.—(1) The Secretary shall, for
 9 each performance contract with a Director of a Veterans
 10 Integrated Services Network (VISN), include in such con-
 11 tract a provision that encourages such director to hire
 12 physicians who are board eligible or board certified in the
 13 specialty in which the physicians will practice.

14 “(2) The Secretary may determine the nature and
 15 manner of the provision described in paragraph (1).”.

16 (2) CLERICAL AMENDMENT.—The table of sec-
 17 tions at the beginning of chapter 74 is amended by
 18 inserting after the item relating to section 7402 the
 19 following new item:

“7402A. Appointment and practice of physicians: standards.”.

20 (b) EFFECTIVE DATE AND APPLICABILITY.—

21 (1) EFFECTIVE DATE.—Except as provided in
 22 paragraphs (2) and (3), the amendments made by
 23 subsection (a) shall take effect on the date of the en-
 24 actment of this Act.

1 (2) APPLICABILITY OF CERTAIN REQUIRE-
 2 MENTS TO PHYSICIANS PRACTICING ON EFFECTIVE
 3 DATE.—In the case of an individual appointed to the
 4 Veterans Health Administration in the position of
 5 physician as of the date of the enactment of this
 6 Act, the requirements of section 7402A(f) of title
 7 38, United States Code, as added by subsection (a)
 8 of this section, shall take effect on the date that is
 9 60 days after the date of the enactment of this Act.

10 (3) APPLICABILITY OF REQUIREMENTS RE-
 11 LATED TO HIRING OF PHYSICIANS WITH BOARD CER-
 12 TIFICATION.—The requirement of section 7402A(g)
 13 of such title, as added by subsection (a), shall begin
 14 with the first cycle of performance contracts for di-
 15 rectors of Veterans Integrated Services Networks be-
 16 ginning after the date of the enactment of this Act.

17 **TITLE VII—HOMELESS** 18 **VETERANS MATTERS**

19 **SEC. 701. PILOT PROGRAM ON FINANCIAL SUPPORT FOR**
 20 **ENTITIES THAT COORDINATE THE PROVI-**
 21 **SION OF SUPPORTIVE SERVICES TO FOR-**
 22 **MERLY HOMELESS VETERANS RESIDING ON**
 23 **CERTAIN MILITARY PROPERTY.**

24 (a) ESTABLISHMENT.—

1 (1) IN GENERAL.—Subject to the availability of
2 appropriations for such purpose, the Secretary of
3 Veterans Affairs may carry out a pilot program to
4 make grants to public and nonprofit organizations
5 (including faith-based and community organizations)
6 to coordinate the provision of supportive services
7 available in the local community to very low income,
8 formerly homeless veterans residing in permanent
9 housing that is located on qualifying property de-
10 scribed in subsection (b).

11 (2) NUMBER OF GRANTS.—The Secretary may
12 make grants at up to 10 qualifying properties under
13 the pilot program.

14 (b) QUALIFYING PROPERTY.—Qualifying property
15 under the pilot program is property that—

16 (1) was part of a military installation that was
17 closed in accordance with—

18 (A) decisions made as part of the 2005
19 round of defense base closure and realignment
20 under the Defense Base Closure and Realign-
21 ment Act of 1990 (part A of title XXIX of
22 Public Law 101–510; 10 U.S.C. 2687 note);
23 and

24 (B) subchapter III of chapter 5 of title 40,
25 United States Code; and

1 (2) the Secretary of Defense determines, after
2 considering any redevelopment plans of any local re-
3 development authority relating to such property,
4 may be used to assist the homeless in accordance
5 with such redevelopment plan.

6 (c) CRITERIA FOR GRANTS.—The Secretary shall
7 prescribe criteria and requirements for grants under this
8 section and shall publish such criteria and requirements
9 in the Federal Register.

10 (d) DURATION OF PROGRAM.—The authority of the
11 Secretary to provide grants under a pilot program under
12 this section shall cease on the date that is five years after
13 the date of the commencement of the pilot program.

14 (e) VERY LOW INCOME DEFINED.—In this section,
15 the term “very low income” has the meaning given that
16 term in the Resident Characteristics Report issued annu-
17 ally by the Department of Housing and Urban Develop-
18 ment.

19 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
20 authorized to be appropriated from amounts made avail-
21 able under the heading “General Operating Expenses”,
22 not more than \$3,000,000 in each of fiscal years 2010
23 through 2014 to carry out the purposes of this section.

1 **SEC. 702. PILOT PROGRAM ON FINANCIAL SUPPORT OF EN-**
2 **TITIES THAT COORDINATE THE PROVISION**
3 **OF SUPPORTIVE SERVICES TO FORMERLY**
4 **HOMELESS VETERANS RESIDING IN PERMA-**
5 **NENT HOUSING.**

6 (a) ESTABLISHMENT OF PILOT PROGRAM.—

7 (1) IN GENERAL.—Subject to the availability of
8 appropriations for such purpose, the Secretary of
9 Veterans Affairs may carry out a pilot program to
10 make grants to public and nonprofit organizations
11 (including faith-based and community organizations)
12 to coordinate the provision of supportive services
13 available in the local community to very low income,
14 formerly homeless veterans residing in permanent
15 housing.

16 (2) NUMBER OF GRANTS.—The Secretary may
17 make grants at up to 10 qualifying properties under
18 the pilot program.

19 (b) QUALIFYING PROPERTY.—Qualifying property
20 under the pilot program is any property in the United
21 States on which permanent housing is provided or af-
22 farded to formerly homeless veterans, as determined by
23 the Secretary.

24 (c) CRITERIA FOR GRANTS.—The Secretary shall
25 prescribe criteria and requirements for grants under this

1 section and shall publish such criteria and requirements
2 in the Federal Register.

3 (d) DURATION OF PILOT PROGRAM.—The authority
4 of the Secretary to provide grants under a pilot program
5 under this section shall cease on the date that is five years
6 after the date of the commencement of the pilot program.

7 (e) VERY LOW INCOME DEFINED.—In this section,
8 the term “very low income” has the meaning given that
9 term in the Resident Characteristics Report issued annu-
10 ally by the Department of Housing and Urban Develop-
11 ment.

12 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
13 authorized to be appropriated from amounts made avail-
14 able under the heading “General Operating Expenses”,
15 not more than \$3,000,000 in each of fiscal years 2010
16 through 2014 to carry out the purposes of this section.

17 **SEC. 703. PILOT PROGRAM ON FINANCIAL SUPPORT OF EN-**
18 **TITIES THAT PROVIDE OUTREACH TO IN-**
19 **FORM CERTAIN VETERANS ABOUT PENSION**
20 **BENEFITS.**

21 (a) AUTHORITY TO MAKE GRANTS.—In addition to
22 the outreach authority provided to the Secretary of Vet-
23 erans Affairs by section 6303 of title 38, United States
24 Code, the Secretary may carry out a pilot program to
25 make grants to public and nonprofit organizations (includ-

1 ing faith-based and community organizations) for services
2 to provide outreach to inform low-income and elderly vet-
3 erans and their spouses who reside in rural areas of bene-
4 fits for which they may be eligible under chapter 15 of
5 such title.

6 (b) CRITERIA FOR GRANTS.—The Secretary shall
7 prescribe criteria and requirements for grants under this
8 section and shall publish such criteria and requirements
9 in the Federal Register.

10 (c) DURATION OF PILOT PROGRAM.—The authority
11 of the Secretary to provide grants under a pilot program
12 under this section shall cease on the date that is five years
13 after the date of the commencement of the pilot program.

14 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
15 authorized to be appropriated from amounts made avail-
16 able under the heading “General Operating Expenses”,
17 not more than \$1,275,000 in each of fiscal years 2010
18 through 2014 to carry out the purposes of this section.

19 **SEC. 704. ASSESSMENT OF PILOT PROGRAMS.**

20 (a) PROGRESS REPORTS.—Not less than one year be-
21 fore the expiration of the authority to carry out a pilot
22 program authorized by sections 501 through 503, the Sec-
23 retary of Veterans Affairs shall submit to Congress a
24 progress report on such pilot program.

(b) CONTENTS.—Each progress report submitted for a pilot program under subsection (a) shall include the following:

(1) The lessons learned by the Secretary of Veterans Affairs with respect to such pilot program that can be applied to other programs with similar purposes.

(2) The recommendations of the Secretary on whether to continue such pilot program.

(3) The number of veterans and dependents served by such pilot program.

(4) An assessment of the quality of service provided to veterans and dependents under such pilot program.

(5) The amount of funds provided to grant recipients under such pilot program.

(6) The names of organizations that have received grants under such pilot program.

TITLE VIII—NONPROFIT RESEARCH AND EDUCATION CORPORATIONS

SEC. 801. GENERAL AUTHORITIES ON ESTABLISHMENT OF CORPORATIONS.

(a) AUTHORIZATION OF MULTI-MEDICAL CENTER RESEARCH CORPORATIONS.—

1 (1) IN GENERAL.—Section 7361 is amended—

2 (A) by redesignating subsection (b) as sub-
3 section (e); and

4 (B) by inserting after subsection (a) the
5 following new subsection (b):

6 “(b)(1) Subject to paragraph (2), a corporation es-
7 tablished under this subchapter may facilitate the conduct
8 of research, education, or both at more than one medical
9 center. Such a corporation shall be known as a ‘multi-med-
10 ical center research corporation’.

11 “(2) The board of directors of a multi-medical center
12 research corporation under this subsection shall include
13 the official at each Department medical center concerned
14 who is, or who carries out the responsibilities of, the med-
15 ical center director of such center as specified in section
16 7363(a)(1)(A)(i) of this title.

17 “(3) In facilitating the conduct of research, edu-
18 cation, or both at more than one Department medical cen-
19 ter under this subchapter, a multi-medical center research
20 corporation may administer receipts and expenditures re-
21 lating to such research, education, or both, as applicable,
22 performed at the Department medical centers concerned.”.

23 (2) EXPANSION OF EXISTING CORPORATIONS TO
24 MULTI-MEDICAL CENTER RESEARCH CORPORA-

1 TIONS.—Such section is further amended by adding
 2 at the end the following new subsection:

3 “(f) A corporation established under this subchapter
 4 may act as a multi-medical center research corporation
 5 under this subchapter in accordance with subsection (b)
 6 if—

7 “(1) the board of directors of the corporation
 8 approves a resolution permitting facilitation by the
 9 corporation of the conduct of research, education, or
 10 both at the other Department medical center or
 11 medical centers concerned; and

12 “(2) the Secretary approves the resolution of
 13 the corporation under paragraph (1).”.

14 (b) RESTATEMENT AND MODIFICATION OF AUTHORI-
 15 TIES ON APPLICABILITY OF STATE LAW.—

16 (1) IN GENERAL.—Section 7361, as amended
 17 by subsection (a) of this section, is further amended
 18 by inserting after subsection (b) the following new
 19 subsection (c):

20 “(c) Any corporation established under this sub-
 21 chapter shall be established in accordance with the non-
 22 profit corporation laws of the State in which the applicable
 23 Department medical center is located and shall, to the ex-
 24 tent not inconsistent with any Federal law, be subject to
 25 the laws of such State. In the case of any multi-medical

1 center research corporation that facilitates the conduct of
 2 research, education, or both at Department medical cen-
 3 ters located in different States, the corporation shall be
 4 established in accordance with the nonprofit corporation
 5 laws of the State in which one of such Department medical
 6 centers is located.”.

7 (2) CONFORMING AMENDMENT.—Section 7365
 8 is repealed.

9 (c) CLARIFICATION OF STATUS OF CORPORATIONS.—
 10 Section 7361, as amended by this section, is further
 11 amended—

12 (1) in subsection (a), by striking the second
 13 sentence; and

14 (2) by inserting after subsection (c) the fol-
 15 lowing new subsection (d):

16 “(d)(1) Except as otherwise provided in this sub-
 17 chapter or under regulations prescribed by the Secretary,
 18 any corporation established under this subchapter, and its
 19 officers, directors, and employees, shall be required to
 20 comply only with those Federal laws, regulations, and ex-
 21 ecutive orders and directives that apply generally to pri-
 22 vate nonprofit corporations.

23 “(2) A corporation under this subchapter is not—

24 “(A) owned or controlled by the United States;

25 or

1 “(B) an agency or instrumentality of the
2 United States.”.

3 (d) REINSTATEMENT OF REQUIREMENT FOR
4 501(c)(3) STATUS OF CORPORATIONS.—Subsection (e) of
5 section 7361, as redesignated by subsection (a)(1) of this
6 section, is further amended by inserting “section
7 501(c)(3) of” after “exempt from taxation under”.

8 **SEC. 802. CLARIFICATION OF PURPOSES OF CORPORA-**
9 **TIONS.**

10 (a) CLARIFICATION OF PURPOSES.—Subsection (a)
11 of section 7362 is amended—

12 (1) in the first sentence—

13 (A) by striking “Any corporation” and all
14 that follows through “facilitate” and inserting
15 “A corporation established under this sub-
16 chapter shall be established to provide a flexible
17 funding mechanism for the conduct of approved
18 research and education at one or more Depart-
19 ment medical centers and to facilitate functions
20 related to the conduct of”; and

21 (B) by inserting before the period at the
22 end the following: “or centers”; and

23 (2) in the second sentence, by inserting “or cen-
24 ters” after “at the medical center”.

1 (b) MODIFICATION OF DEFINED TERM RELATING TO
 2 EDUCATION AND TRAINING.—Subsection (b) of such sec-
 3 tion is amended in the matter preceding paragraph (1)
 4 by striking “the term ‘education and training’” and in-
 5 serting “the term ‘education’ includes education and train-
 6 ing and”.

7 (c) REPEAL OF ROLE OF CORPORATIONS WITH RE-
 8 SPECT TO FELLOWSHIPS.—Paragraph (1) of subsection
 9 (b) of such section is amended by striking the flush matter
 10 following subparagraph (C).

11 (d) AVAILABILITY OF EDUCATION FOR FAMILIES OF
 12 VETERAN PATIENTS.—Paragraph (2) of subsection (b) of
 13 such section is amended by striking “to patients and to
 14 the families” and inserting “and includes education and
 15 training for patients and families”.

16 **SEC. 803. MODIFICATION OF REQUIREMENTS FOR BOARDS**
 17 **OF DIRECTORS OF CORPORATIONS.**

18 (a) REQUIREMENTS FOR DEPARTMENT BOARD MEM-
 19 BERS.—Paragraph (1) of section 7363(a) is amended to
 20 read as follows:

21 “(1) with respect to the Department medical
 22 center—

23 “(A)(i) the director (or directors of each
 24 Department medical center, in the case of a
 25 multi-medical center research corporation);

1 “(ii) the chief of staff; and

2 “(iii) as appropriate for the activities of
3 such corporation, the associate chief of staff for
4 research and the associate chief of staff for
5 education; or

6 “(B) in the case of a Department medical
7 center at which one or more of the positions re-
8 ferred to in subparagraph (A) do not exist, the
9 official or officials who are responsible for car-
10 rying out the responsibilities of such position or
11 positions at the Department medical center;
12 and”.

13 (b) REQUIREMENTS FOR NON-DEPARTMENT BOARD
14 MEMBERS.—Paragraph (2) of such section is amended—

15 (1) by inserting “not less than two” before
16 “members”; and

17 (2) by striking “and who” and all that follows
18 through the period at the end and inserting “and
19 who have backgrounds, or business, legal, financial,
20 medical, or scientific expertise, of benefit to the op-
21 erations of the corporation.”.

22 (c) CONFLICTS OF INTEREST.—Subsection (c) of sec-
23 tion 7363 is amended by striking “, employed by, or have
24 any other financial relationship with” and inserting “or
25 employed by”.

1 **SEC. 804. CLARIFICATION OF POWERS OF CORPORATIONS.**

2 (a) IN GENERAL.—Section 7364 is amended to read
3 as follows:

4 **“§ 7364. General powers**

5 “(a) IN GENERAL.—(1) A corporation established
6 under this subchapter may, solely to carry out the pur-
7 poses of this subchapter—

8 “(A) accept, administer, retain, and spend
9 funds derived from gifts, contributions, grants, fees,
10 reimbursements, and bequests from individuals and
11 public and private entities;

12 “(B) enter into contracts and agreements with
13 individuals and public and private entities;

14 “(C) subject to paragraph (2), set fees for edu-
15 cation and training facilitated under section 7362 of
16 this title, and receive, retain, administer, and spend
17 funds in furtherance of such education and training;

18 “(D) reimburse amounts to the applicable ap-
19 propriation account of the Department for the Office
20 of General Counsel for any expenses of that Office
21 in providing legal services attributable to research
22 and education agreements under this subchapter;
23 and

24 “(E) employ such employees as the corporation
25 considers necessary for such purposes and fix the
26 compensation of such employees.

1 “(2) Fees charged under paragraph (1)(C) for edu-
 2 cation and training described in that paragraph to individ-
 3 uals who are officers or employees of the Department may
 4 not be paid for by any funds appropriated to the Depart-
 5 ment.

6 “(3) Amounts reimbursed to the Office of General
 7 Counsel under paragraph (1)(D) shall be available for use
 8 by the Office of the General Counsel only for staff and
 9 training, and related travel, for the provision of legal serv-
 10 ices described in that paragraph and shall remain available
 11 for such use without fiscal year limitation.

12 “(b) TRANSFER AND ADMINISTRATION OF FUNDS.—
 13 (1) Except as provided in paragraph (2), any funds re-
 14 ceived by the Secretary for the conduct of research or edu-
 15 cation at a Department medical center or centers, other
 16 than funds appropriated to the Department, may be trans-
 17 ferred to and administered by a corporation established
 18 under this subchapter for such purposes.

19 “(2) A Department medical center may reimburse the
 20 corporation for all or a portion of the pay, benefits, or
 21 both of an employee of the corporation who is assigned
 22 to the Department medical center if the assignment is car-
 23 ried out pursuant to subchapter VI of chapter 33 of title
 24 5.

1 “(3) A Department medical center may retain and
2 use funds provided to it by a corporation established under
3 this subchapter. Such funds shall be credited to the appli-
4 cable appropriation account of the Department and shall
5 be available, without fiscal year limitation, for the pur-
6 poses of that account.

7 “(c) RESEARCH PROJECTS.—Except for reasonable
8 and usual preliminary costs for project planning before its
9 approval, a corporation established under this subchapter
10 may not spend funds for a research project unless the
11 project is approved in accordance with procedures pre-
12 scribed by the Under Secretary for Health for research
13 carried out with Department funds. Such procedures shall
14 include a scientific review process.

15 “(d) EDUCATION ACTIVITIES.—Except for reason-
16 able and usual preliminary costs for activity planning be-
17 fore its approval, a corporation established under this sub-
18 chapter may not spend funds for an education activity un-
19 less the activity is approved in accordance with procedures
20 prescribed by the Under Secretary for Health.

21 “(e) POLICIES AND PROCEDURES.—The Under Sec-
22 retary for Health may prescribe policies and procedures
23 to guide the spending of funds by corporations established
24 under this subchapter that are consistent with the purpose
25 of such corporations as flexible funding mechanisms and

1 with Federal and State laws and regulations, and execu-
 2 tive orders, circulars, and directives that apply generally
 3 to the receipt and expenditure of funds by nonprofit orga-
 4 nizations exempt from taxation under section 501(c)(3) of
 5 the Internal Revenue Code of 1986.”.

6 (b) CONFORMING AMENDMENT.—Section 7362(a), as
 7 amended by section 802(a)(1) of this Act, is further
 8 amended by striking the last sentence.

9 **SEC. 805. REDESIGNATION OF SECTION 7364A OF TITLE 38,**
 10 **UNITED STATES CODE.**

11 (a) REDESIGNATION.—Section 7364A is redesignated
 12 as section 7365.

13 (b) CLERICAL AMENDMENTS.—The table of sections
 14 at the beginning of chapter 73 is amended—

15 (1) by striking the item relating to section
 16 7364A; and

17 (2) by striking the item relating to section 7365
 18 and inserting the following new item:

“7365. Coverage of employees under certain Federal tort claims laws.”.

19 **SEC. 806. IMPROVED ACCOUNTABILITY AND OVERSIGHT OF**
 20 **CORPORATIONS.**

21 (a) ADDITIONAL INFORMATION IN ANNUAL RE-
 22 PORTS.—Subsection (b) of section 7366 is amended to
 23 read as follows:

24 “(b)(1) Each corporation shall submit to the Sec-
 25 retary each year a report providing a detailed statement

1 of the operations, activities, and accomplishments of the
 2 corporation during that year.

3 “(2)(A) A corporation with revenues in excess of
 4 \$300,000 for any year shall obtain an audit of the cor-
 5 poration for that year.

6 “(B) A corporation with annual revenues between
 7 \$10,000 and \$300,000 shall obtain an audit of the cor-
 8 poration at least once every three years.

9 “(C) Any audit under this paragraph shall be per-
 10 formed by an independent auditor.

11 “(3) The corporation shall include in each report to
 12 the Secretary under paragraph (1) the following:

13 “(A) The most recent audit of the corporation
 14 under paragraph (2).

15 “(B) The most recent Internal Revenue Service
 16 Form 990 ‘Return of Organization Exempt from In-
 17 come Tax’ or equivalent and the applicable schedules
 18 under such form.”.

19 (b) CONFIRMATION OF APPLICATION OF CONFLICT
 20 OF INTEREST REGULATIONS TO APPROPRIATE CORPORA-
 21 TION POSITIONS.—Subsection (c) of such section is
 22 amended—

23 (1) by striking “laws and” each place it ap-
 24 pears;

25 (2) in paragraph (1)—

1 (A) by inserting “each officer and” after
 2 “under this subchapter,”; and

3 (B) by striking “, and each employee of
 4 the Department” and all that follows through
 5 “during any year”; and

6 (3) in paragraph (2)—

7 (A) by inserting “, officer,” after
 8 “verifying that each director”; and

9 (B) by striking “in the same manner” and
 10 all that follows before the period at the end.

11 (c) ESTABLISHMENT OF APPROPRIATE PAYEE RE-
 12 PORTING THRESHOLD.—Subsection (d)(3)(C) of such sec-
 13 tion is amended by striking “\$35,000” and inserting
 14 “\$50,000”.

15 **TITLE IX—CONSTRUCTION AND** 16 **NAMING MATTERS**

17 **SEC. 901. AUTHORIZATION OF MEDICAL FACILITY** 18 **PROJECTS.**

19 (a) AUTHORIZATION OF FISCAL YEAR 2010 MAJOR
 20 MEDICAL FACILITY PROJECTS.—The Secretary of Vet-
 21 erans Affairs may carry out the following major medical
 22 facility projects in fiscal year 2010, with each project to
 23 be carried out in the amount specified for each project:

24 (1) Construction (including acquisition of land)
 25 for the realignment of services and closure projects

1 at the Department of Veterans Affairs Medical Cen-
2 ter in Livermore, California, in an amount not to ex-
3 ceed \$55,430,000.

4 (2) Construction of a Multi-Specialty Care Fa-
5 cility in Walla Walla, Washington, in an amount not
6 to exceed \$71,400,000.

7 (3) Construction (including acquisition of land)
8 for a new medical facility at the Department of Vet-
9 erans Affairs Medical Center in Louisville, Ken-
10 tucky, in an amount not to exceed \$75,000,000.

11 (4) Construction (including acquisition of land)
12 for a clinical expansion for a Mental Health Facility
13 at the Department of Veterans Affairs Medical Cen-
14 ter in Dallas, Texas, in an amount not to exceed
15 \$15,640,000.

16 (5) Construction (including acquisition of land)
17 for a replacement bed tower and clinical expansion
18 at the Department of Veterans Affairs Medical Cen-
19 ter in St. Louis, Missouri, in an amount not to ex-
20 ceed \$43,340,000.

21 (b) EXTENSION OF AUTHORIZATION FOR MAJOR
22 MEDICAL FACILITY CONSTRUCTION PROJECTS PRE-
23 VIOUSLY AUTHORIZED.—The Secretary of Veterans Af-
24 fairs may carry out the following major medical facility

1 projects in fiscal year 2010, as follows with each project
2 to be carried out in the amount specified for that project:

3 (1) Replacement of the existing Department of
4 Veterans Affairs Medical Center in Denver, Colo-
5 rado, in an amount not to exceed \$800,000,000.

6 (2) Construction of Outpatient and Inpatient
7 Improvements in Bay Pines, Florida, in an amount
8 not to exceed \$194,400,000.

9 (c) AUTHORIZATION OF APPROPRIATIONS.—

10 (1) AUTHORIZATION OF APPROPRIATIONS FOR
11 CONSTRUCTION.—There is authorized to be appro-
12 priated to the Secretary of Veterans Affairs for fis-
13 cal year 2010, or the year in which funds are appro-
14 priated, for the Construction, Major Projects ac-
15 count—

16 (A) \$260,810,000 for the projects author-
17 ized in subsection (a); and

18 (B) \$994,400,000 for the projects author-
19 ized in subsection (b).

20 (2) LIMITATION.—The projects authorized in
21 subsections (a) and (b) may only be carried out
22 using—

23 (A) funds appropriated for fiscal year 2010
24 pursuant to the authorization of appropriations
25 in paragraph (1) of this section;

1 (B) funds available for Construction,
 2 Major Projects for a fiscal year before fiscal
 3 year 2010 that remain available for obligation;

4 (C) funds available for Construction, Major
 5 Projects for a fiscal year after fiscal year 2010
 6 that remain available for obligation;

7 (D) funds appropriated for Construction,
 8 Major Projects for fiscal year 2010 for a cat-
 9 egory of activity not specific to a project;

10 (E) funds appropriated for Construction,
 11 Major Projects for a fiscal year before 2010 for
 12 a category of activity not specific to a project;
 13 and

14 (F) funds appropriated for Construction,
 15 Major Projects for a fiscal year after 2010 for
 16 a category of activity not specific to a project.

17 **SEC. 902. DESIGNATION OF ROBLEY REX DEPARTMENT OF**
 18 **VETERANS AFFAIRS MEDICAL CENTER.**

19 (a) DESIGNATION.—The Department of Veterans Af-
 20 fairs Medical Center in Louisville, Kentucky, and any suc-
 21 cessor to such medical center, shall after the date of the
 22 enactment of this Act be known and designated as the
 23 “Robley Rex Department of Veterans Affairs Medical
 24 Center”.

1 (b) REFERENCES.—Any reference in any law, regula-
 2 tion, map, document, record, or other paper of the United
 3 States to the medical center referred to in subsection (a)
 4 shall be considered to be a reference to the Robley Rex
 5 Department of Veterans Affairs Medical Center.

6 **SEC. 903. MERRIL LUNDMAN DEPARTMENT OF VETERANS**
 7 **AFFAIRS OUTPATIENT CLINIC.**

8 (a) IN GENERAL.—The Department of Veterans Af-
 9 fairs outpatient clinic in Havre, Montana, shall after the
 10 date of the enactment of this Act be known and designated
 11 as the “Merril Lundman Department of Veterans Affairs
 12 Outpatient Clinic”.

13 (b) REFERENCES.—Any reference in any law, regula-
 14 tion, map, document, record, or other paper of the United
 15 States to the outpatient clinic referred to in subsection
 16 (a) shall be considered to be a reference to the Merrill
 17 Lundman Department of Veterans Affairs Outpatient
 18 Clinic.

19 **SEC. 904. MODIFICATION ON RESTRICTION OF ALIENATION**
 20 **OF CERTAIN REAL PROPERTY IN GULF PORT,**
 21 **MISSISSIPPI.**

22 (a) IN GENERAL.—Section 2703(b) of the Emer-
 23 gency Supplemental Appropriations Act for Defense, the
 24 Global War on Terror, and Hurricane Recovery, 2006
 25 (Public Law 109–234; 120 Stat. 469), as amended by sec-

tion 231 of the Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2009 (division E of Public Law 110–329; 122 Stat. 3713), is further amended by inserting after “the City of Gulfport” the following: “, or its urban renewal agency,”.

(b) MEMORIALIZATION OF MODIFICATION.—The Secretary of Veterans Affairs shall take appropriate actions to modify the quitclaim deeds executed to effectuate the conveyance authorized by section 2703 of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234) in order to accurately reflect and memorialize the amendment made by subsection (a).

TITLE X—OTHER MATTERS

SEC. 1001. EXPANSION OF AUTHORITY FOR DEPARTMENT OF VETERANS AFFAIRS POLICE OFFICERS.

Section 902 is amended—

(1) in subsection (a)—

(A) by amending paragraph (1) to read as follows:

“(1) Employees of the Department who are Department police officers shall, with respect to acts occurring on Department property—

“(A) enforce Federal laws;

1 “(B) enforce the rules prescribed under
2 section 901 of this title;

3 “(C) enforce traffic and motor vehicle laws
4 of a State or local government (by issuance of
5 a citation for violation of such laws) within the
6 jurisdiction of which such Department property
7 is located as authorized by an express grant of
8 authority under applicable State or local law;

9 “(D) carry the appropriate Department-
10 issued weapons, including firearms, while off
11 Department property in an official capacity or
12 while in an official travel status;

13 “(E) conduct investigations, on and off
14 Department property, of offenses that may have
15 been committed on property under the original
16 jurisdiction of Department, consistent with
17 agreements or other consultation with affected
18 local, State, or Federal law enforcement agen-
19 cies; and

20 “(F) carry out, as needed and appropriate,
21 the duties described in subparagraphs (A)
22 through (E) of this paragraph when engaged in
23 duties authorized by other Federal statutes.”;

24 (B) by striking paragraph (2) and redesign-
25 nating paragraph (3) as paragraph (2); and

1 (C) in paragraph (2), as redesignated by
 2 subparagraph (B) of this paragraph, by insert-
 3 ing “, and on any arrest warrant issued by
 4 competent judicial authority” before the period;
 5 and

6 (2) by amending subsection (c) to read as fol-
 7 lows:

8 “(c) The powers granted to Department police offi-
 9 cers designated under this section shall be exercised in ac-
 10 cordance with guidelines approved by the Secretary and
 11 the Attorney General.”.

12 **SEC. 1002. UNIFORM ALLOWANCE FOR DEPARTMENT OF**
 13 **VETERANS AFFAIRS POLICE OFFICERS.**

14 Section 903 is amended—

15 (1) by amending subsection (b) to read as fol-
 16 lows:

17 “(b)(1) The amount of the allowance that the Sec-
 18 retary may pay under this section is the lesser of—

19 “(A) the amount currently allowed as pre-
 20 scribed by the Office of Personnel Management; or

21 “(B) estimated costs or actual costs as deter-
 22 mined by periodic surveys conducted by the Depart-
 23 ment.

24 “(2) During any fiscal year no officer shall receive
 25 more for the purchase of a uniform described in subsection

1 (a) than the amount established under this subsection.”;

2 and

3 (2) by striking subsection (c) and inserting the

4 following new subsection (c):

5 “(c) The allowance established under subsection (b)

6 shall be paid at the beginning of a Department police offi-

7 cer’s employment for those appointed on or after October

8 1, 2008. In the case of any other Department police offi-

9 cer, an allowance in the amount established under sub-

10 section (b) shall be paid upon the request of the officer.”.

Calendar No. 190

11TH CONGRESS
1ST Session

S. 1963

A BILL

To amend title 38, United States Code, to provide assistance to caregivers of veterans, to improve the provision of health care to veterans, and for other purposes.

OCTOBER 29, 2009

Read the second time and placed on the calendar